# Members' Manual

August 2003

House of Assembly
Nova Scotia

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# Members' Manual

## House of Assembly of Nova Scotia

August 2003

*Edited by*
*Margaret F. Murphy*

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# Introduction

This manual has been prepared for the use of the Members of the Legislative Assembly of Nova Scotia in order to provide them with general information on the House of Assembly and its services.

This edition updates and replaces the *Members' Manual* issued in December, 2002.

The statutes and regulations included in this publication are provided for information only. Readers are advised to consult the *Revised Statutes of Nova Scotia 1989* and subsequent sessional volumes for the official versions of the legislation. Full-text versions of the Nova Scotia Statutes can be found at the Legislative Counsel's website, <www.gov.ns.ca/legislature/legc/> and Nova Scotia Regulations can be found at the Registry of Regulations website, <www.gov.ns.ca/just/regulations>.

We hope that all Members will find this information useful, and we welcome your comments. You may obtain further information from the Chief Clerk of the House of Assembly and the Legislative Library or from the other Assembly officials and support offices.

Please direct your comments to

Margaret F. Murphy
Legislative Librarian
Province House
Phone: 424-5932
Fax: 424-0220

August 2003

# 1. The Legislature

## Oath of Allegiance

OATH OF ALLEGIANCE

General Assembly of the Province of Nova Scotia

I do swear that I will be faithful and bear true allegiance to Her Majesty

QUEEN ELIZABETH THE SECOND

Her Heirs and Successors According to Law

So help me God

## Composition

The Legislature consists of the Lieutenant Governor and the House of Assembly.

### The Lieutenant Governor

The Lieutenant Governor is appointed by the Governor General in Council. Pursuant to the Constitution Act, she serves as the representative in Nova Scotia of the Governor General of Canada in the discharge of certain functions. The Lieutenant Governor calls the House of Assembly to meet, prorogues and dissolves the House of Assembly, approves Orders in Council, and gives Royal Assent to legislation. The Lieutenant Governor and the Executive Council together form the Government of the province. Should the Lieutenant Governor be absent from the province, the Administrator of the Province of Nova Scotia takes her place. The

Administrator of the province is appointed by the Governor General in Council and is, at the present time, the Chief Justice of Nova Scotia.

## The House of Assembly

The House of Assembly is a unicameral body (which is to say that it has a single legislative chamber), responsible for the enactment of legislation pertaining to Nova Scotia within the areas of jurisdiction provided under the Canadian Constitution. The House is composed of 52 members elected from the electoral districts into which the province is divided, as set out in the House of Assembly Act.

The Government is formed from the Members belonging to the party that returns the majority in an election. The Official Opposition consists of the Members belonging to the party having the second largest representation in the House.

## Duration

The Assembly is elected for a statutory term of about five years but may be dissolved at any time within that period by the Lieutenant Governor in Council on the advice of the Premier.

## Sessions of the General Assembly

A new session starts with a Speech from the Throne after being summoned by the Lieutenant Governor in Council. A session of the General Assembly ends when the Lieutenant Governor in Council prorogues it.

When a session is prorogued, any unfinished business before the House is terminated. If it is to be pursued further during a new session, it must be reintroduced. Thus, if a bill is introduced, but has not been passed into law before prorogation, then it must be introduced all over again during the new session. The same is true

for any business that is unfinished when a General Assembly of the House is dissolved for an election.

## Sittings of the House

A period during which the House meets between adjournments is a sitting. Unlike a prorogation, an adjournment does not erase any proceeding that has taken place. When the House reconvenes after an adjournment, it merely picks up where it left off. The House is prorogued by the Lieutenant Governor, but is adjourned by a resolution passed by a majority of the House.

There must be at least two sittings of the Legislature each calendar year, one in the fall (September 1 to December 31) and one in the Spring (January 1 to June 30).

### *Time of Sittings*

The ordinary hours of meeting for the House of Assembly are

| | |
|---|---|
| Monday | 7:00 pm–10:00 pm |
| Tuesday | 2:00 pm–6:00 pm |
| Wednesday | 2:00 pm–6:00 pm |
| Thursday | 2:00 pm–6:00 pm |
| Friday | 11:00 am–2:00 pm |

When the Committee of the Whole House on Supply begins its deliberations on the Estimates the ordinary sitting hours are suspended and the House may sit for a maximum of **six** hours a day for the first five sitting days and, after that, for a maximum of **eight** hours a day.

These sitting hours must take place within the following time periods unless by unanimous consent:

| | |
|---|---|
| Monday | 12:00 noon–10:00 pm |
| Tuesday | 12:00 noon–8:00 pm |
| Wednesday | 12:00 noon–8:00 pm |
| Thursday | 12:00 noon–8:00 pm |
| Friday | 10:00 am–6:00 pm |

The ordinary sitting hours are also suspended where the House reconvenes after it has stood adjourned for one month or more after the Estimates have been passed. The House must sit during the ordinary meeting hours for the first five sitting days after reconvening, may sit for a maximum of **six** hours a day for the next five days, and, after that, may sit for a maximum of **eight** hours a day. Again, these sitting hours must take place within the above time periods.

The foregoing rules respecting the time of sittings may, however, be overridden by the House of Assembly. The time for the meeting of the House, the time for the adjournment of the House, and the maximum number of hours the House may sit during a day may be determined by the House by a majority vote on the motion of the Government House Leader.

## Quorum

At least 15 Members of the House including the Speaker must be present in order for the House to meet and exercise its powers. If there is not a quorum, then the Speaker must adjourn the House until the next sitting day.

## Attendance

All Members must attend the daily sittings of the House unless excused from attending by the Speaker. If a Member is absent

without permission, the Member may be censured by the House and will forfeit a monetary penalty as determined by the Rules of the House and the Regulations of the Legislature Internal Economy Board. Ultimately, a Member may lose his or her seat, pursuant to the House of Assembly Act.

## Adjournment

At the end of each sitting day the House adjourns to the next sitting day, and all business not completed is deemed to be adjourned and added to the Order Paper for the next day.

## Prorogation

Prorogation is the means by which a session of the Legislature is terminated. This is done by a Proclamation of the Lieutenant Governor on the advice of the Premier, through an Order in Council. All proceedings and business in progress are terminated and must be reintroduced in the next session before the Assembly can consider them again. Returns to House Orders ordered by the Assembly that have not been provided prior to prorogation are the only items of usual business not lost at the prorogation.

## Dissolution

Dissolution is the means by which the Legislature is terminated before the calling of a general election. The Legislature is statutorily dissolved after five years or before that by a proclamation of the Lieutenant Governor. At this time Members cease to be members, and all business of the House and its committees dies.

# 2. The Executive Council and the Government

## The Government

The executive branch of government is generally referred to as the Government and technically means the Lieutenant Governor acting by and with the advice of the Executive Council, correctly referred to as the Governor in Council.

### The Executive Council

The Members of the Executive Council, known as Ministers, collectively form the Executive Council. They are appointed by the Lieutenant Governor, pursuant to the Executive Council Act, and are informally referred to as the Cabinet. By convention in Nova Scotia, the Premier is appointed President of the Executive Council.

The Executive Council exercises the executive powers of the Crown. The Council may do only those things that are permitted by the House of Assembly through legislation and those things that are permitted by way of prerogative power, such as the inherent power to make appointments.

Members of the Executive Council are Ministers of the Crown whether or not they have been appointed to preside over a department. The Executive Council is the provincial equivalent of the Executive Committee of the Privy Council at the federal level. Its formal actions are those of the Lieutenant Governor in Council and its reported decisions are Orders in Council.

### *The First Minister (Premier)*

By convention, the leader of the Party having the majority of seats in the Assembly is the First Minister. The Premier is the senior executive authority in the government.

### *President of the Executive Council*

This position is established by the Executive Council Act and is usually the chief portfolio held by the Premier.

### *The Cabinet*

This term is applied to the Ministers of the Crown as formulators of policy and is a term that has no status in law. The proper legal term is the Executive Council.

### *Responsibility as Members of the Executive Council and Cabinet*

Collective responsibility is a long established principle of the parliamentary system and applies to the formulation of policy as well as any executive action taken by the Executive Council.

Individually, members of the Executive Council are responsible to the Assembly (and to their Cabinet colleagues) for specific duties assigned to them.

Every department, board, commission, committee or other provincial agency of the Crown reports to the Legislature through a Minister.

### *Ministers of the Crown*

Appointments to hold office and preside over the departments of the Provincial Government are made under the Great Seal of the Province.

### *Ministers without Portfolio*

The title given to members of the Executive Council who do not preside over a department.

### *The Clerk of the Executive Council*

The Clerk of the Executive Council examines submissions to the Executive Council to ensure conformity with policy and legal requirements. The Clerk drafts Orders in Council and registers, certifies, distributes, indexes, and files approved Orders in Council.

Clerk of the Executive Council: Alison W. Scott
One Government Place, 1700 Granville Street, 6th floor
PO Box 2125, Halifax, NS B3J 3B7
Phone: 424-5970
Fax: 424-0667

# 3. Assembly Officials and Support Offices

## Assembly Officials

### The Speaker

The Speaker is the presiding Officer of the House of Assembly. He or she presides over the proceedings of the Assembly, maintaining order, regulating debate in accordance with the rules and practices of the House, and ensures that all viewpoints have the opportunity of a hearing. The Speaker does not take part in the debates of the Assembly and only takes part in a vote to cast the deciding vote in the event of a tie. He or she is the guardian of the privileges of the Assembly and protects the rights of its Members. Outside the Chamber, the Speaker is the only representative of the House and the sole embodiment of its prestige and authority. The Speaker has jurisdiction over matters concerning Province House and is the Chair of the Legislature Internal Economy Board, the body responsible for regulating services to Members.

The Speaker decides questions of order and rules on questions of privilege after allowing appropriate debate. Decisions of the Speaker are not debatable or subject to appeal except by a substantive motion after proper notice has been given.

After each general election and at any other time the office of the Speaker is vacant, any member may nominate any other member of the House for election as Speaker. Cabinet Members, the Leader of the Opposition or the leader of a recognized party are not eligible to be nominated. If there is more than one nominee for Speaker, the election is by secret ballot.

The Speaker
Province House, 1726 Hollis Street, first floor
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5707
Fax: 424-0526

## Chairman of Committees and Deputy Speaker

The Deputy Speaker is elected in the same way as the Speaker. When the Speaker is absent, the Deputy Speaker takes the Chair and performs all the duties of the Speaker. When the House goes into a Committee of the Whole House, the Speaker leaves the Chair and the Deputy Speaker takes over as chair of the Committee. The Deputy Speaker maintains order in the Committee of the Whole House and decides all questions of order subject to an appeal to the Speaker.

## The Chief Clerk and Assistant Clerk of the House

The Chief Clerk and the Assistant Clerk(s) are responsible, under the direction of the Speaker, for providing advice and support to the Speaker and the Members on procedural matters concerning the privileges, rules, usages, and proceedings of the Assembly. They prepare the daily agenda for the House (the Order Paper), call the items of business in the House, and officially count the votes of the Members. They are also responsible for preparing the Journals of the House of Assembly and other records of the House and for the safekeeping of the Assembly's documents.

Chief Clerk of the House: Roderick MacArthur, QC
Province House, 1726 Hollis Street, first floor
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5978
Fax: 424-0632

## The Chief Legislative Counsel

The Chief Legislative Counsel is responsible for the preparation of all legislation for both Government and non-government members, the provision of legal counsel to the Speaker, the Office of the Speaker, the House of Assembly, the Committees of the House, and the Legislature Internal Economy Board and for the publication of the Rules and Forms of Procedure of the House, the Bills of the House and of the annual, consolidated, and revised statutes. The Statutes are published in print, on CD-ROM, and on the Internet. The Legislative Counsel's office provides support services to the House, the Committee on Assembly Matters, the Law Amendments Committee, the Private and Local Bills Committee, and the Legislature Internal Economy Board.

Chief Legislative Counsel: Gordon D. Hebb, QC
Joseph Howe Building, 1690 Hollis Street/1681 Granville Street
PO Box 1116, Halifax, NS B3J 2X1
Phone: 424-8941
Fax: 424-0547
E-mail: legc.office@gov.ns.ca
Website: www.gov.ns.ca/legislature/legc/

## The Sergeant-at-Arms

The Sergeant-at-Arms is the Guardian of the Mace, which is the symbol of Parliamentary authority. He assists the Speaker in maintaining order in the Chamber and has a number of ceremonial functions, which include leading the Speaker's procession into the Chamber at the start of each day's sitting and preceding the Speaker as he leaves the Chamber at a recess or adjournment of the Assembly. He also announces and escorts the Lieutenant Governor while entering or leaving the Chamber.

Sergeant-at-Arms: Noel Knockwood
Province House, Basement Level, 1726 Hollis Street
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-4603

## Legislative Librarian

The Legislative Librarian is responsible for the management of the Legislative Library and reports directly to the Speaker of the House. The Library's mandate is to provide library and research services to the Members of the Legislative Assembly and their staff, officials of the Legislative Assembly and the Lieutenant Governor, in order to assist them in the execution of their legislative and official responsibilities.

Legislative Librarian: Margaret F. Murphy
Legislative Library
Province House, 2nd floor
PO Box 396, Halifax, NS B3J 2P8
Phone: 424-5932
Fax: 424-0220

## Editor of Debates (Hansard)

The Editor of Debates (Hansard) is responsible for the compilation of a complete and accurate verbatim record of the Debates of the House of Assembly and such of the proceedings of Committees of the House as may be required both when the House is in session and between sessions.

Hansard Editor: Robert Kinsman
Hansard Office
Dennis Building, 1740 Granville Street, 2nd floor
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5706
Fax: 424-0593

# Assembly Support Offices

## The Speaker's Office

The Speaker's Office was established in 1980 to incorporate the Legislature and related departments into a more comprehensive administration that resulted from the expanded role of the Speaker. The Speaker's Office is now responsible for the administration of a number of public service votes.

The Director of Administration, reporting directly to the Speaker, is responsible for the entire administrative function of the Speaker's Office, which includes policies and procedures, budgeting, personnel, and payroll.

Director of Administration: Jocelyn Scallion
Joseph Howe Building, 1690 Hollis Street, Granville Street level
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-4479
Fax: 424-2404

## The Legislature Internal Economy Board

The Legislature Internal Economy Board's duties and responsibilities are outlined in the House of Assembly Act, Section 44. Generally, it is responsible for regulating services to Members of the House of Assembly and the remuneration or allowances paid to each Member. It is made up of the Speaker of the House of Assembly, the Government House Leader, the Chair of the Treasury and Policy Board of the Executive Council, the Minister of Finance, the Deputy Speaker, the Chairman of the Government Caucus, one member from the caucus of the party of the Leader of the Opposition and one member from the caucus of the party of each leader of a recognized party. See Part 7 of this manual under Members' Indemnities, Allowances, Expenses, and Reimbursement for the regulations of the Legislature Internal Economy Board.

## House of Assembly Operations

House of Assembly Operations is responsible for the supervision of activities and the delivery of services to the House of Assembly at Province House. It provides legislative pages when the House sits and handles room bookings and arrangements for functions and all aspects of visitor services.

Co-ordinator House of Assembly Operations: Michael G. Laffin
Province House, 1726 Hollis Street, second floor
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5982
Fax: 424-0574

## Committees Office

The House of Assembly Committees Office, under the supervision of the Legislative Librarian, is responsible for providing administrative support services for the majority of the standing committees, select committees, and commissions of the Legislature. This office compiles the interim and annual reports of these committees.

Administrative Clerks:
Darlene Henry, Sherri Mitchell, Mora Stevens
Dennis Building, 3rd floor, 1740 Granville Street
PO Box 2630, Station M, Halifax, NS B3J 3N5
Phone: 424-4432 or 424-4494
Fax: 424-0513

## The Protocol Office

The Protocol Office organizes and directs all Government official functions, including ceremonies connected with the Legislature, royal visits, and, on occasion, the official functions of the Lieutenant Governor. The office maintains a gift bank for presentations to visiting dignitaries and for presentations as

commemorative awards. It also prepares and distributes congratulatory messages.

Chief of Protocol: Colleen MacDonald
One Government Place, 2nd floor, 1700 Granville Street
Halifax, NS B3J 1X5
Phone: 424-6740
Fax: 424-4309

## Legislative Television

Legislative Television Broadcast and Recording Services was established in 1991. Its mandate, by order of the Legislature, is to televise the House of Assembly debates and record the audio portion for transcription. It is also responsible for recording the proceedings of all committees of the Legislature, including select committees, and commissions. The division also provides audio-visual and production services for MLAs, various government departments, conferences, ceremonial functions such as royal tours, official functions for the Lieutenant Governor, and news conferences.

Co-ordinator: Donald Ledger
Joseph Howe Building, 1690 Hollis Street, seventh floor
Halifax, NS B3J 3J9
Phone: 424-7992
Fax: 424-0604

# 4. Parliamentary Procedure and Business of the Assembly

## Parliamentary Procedure

The transaction of business in the Assembly is governed by Parliamentary Procedure, which is a combination of

- Rules and Forms of Procedure of the House of Assembly or Standing Orders, which are the formal rules of the House that specify the Assembly's Order of Business, the conduct of its debate, etc.
- the practice of the Assembly, which is an unwritten code of procedure based on usage and precedent that is developed over time by interpretation and Speaker's rulings.

In situations not covered by the Rules, reference is made to the practice of the Assembly to determine whether an applicable precedent exists. In the absence of such a precedent, consideration is given to precedents that may exist in the House of Commons of Canada or in the House of Commons of the United Kingdom of Great Britain and Northern Ireland. The authorities most often consulted in these cases are Marleau's *House of Commons Procedure and Practice* and Beauchesne's *Parliamentary Rules and Forms* for Canadian practice and Erskine May's *Treatise of the Law, Privileges, Proceedings and Usage of Parliament* for the United Kingdom practice.

Copies of the Rules and Forms of Procedure are distributed to each Member.

## Conduct in the House

Every Member desiring to speak is to rise in his or her place and address the Speaker. To ensure that the debate is kept on an impersonal basis, no Member refers to another Member by name.

When two or more Members rise to speak, the Speaker calls on the Member who first rose with the following exceptions:

- A new Member who has not yet spoken is generally called upon by courtesy in preference to other Members.
- The Speaker will recognize the official opposition before the third party.
- When the Speaker is trying to make sure that each Member gets an equal share of the House's time, he will call upon Members who have not had the chance to address the House.

Having received formal recognition from the Speaker, a Member is said to have the floor, and all other Members who are seeking recognition from the Speaker should be seated. The right to the floor is subject to Rule 23, where it states that no Member shall speak for more than one hour at a time in any debate, and Rule 24, which states that any Member addressing the House, if called to order either by the Speaker or on a point of order raised by another Member, shall sit down while the point is being stated, after which he or she may explain. Questions can be directed to the Member who has the floor, but it is entirely up to the Member whether he or she answers or not, and no comment will be permitted on a refusal to answer.

According to the Rules of the House, a Member must not be repetitive or irrelevant or use disrespectful or offensive language. No Member may speak twice to a question except as provided by Rule 26(2).

While in the House

- When the Speaker has called for the question, no Member shall walk out of or across the House or make any noise or disturbance.
- When a Member is speaking, no Member shall pass between that Member and the Speaker's Chair, nor interrupt, unless on a point of order.
- No Member may pass between the Speaker and the Clerk's Table, nor between the Chair and the Mace when the Mace has been taken off the Table.
- If Members are leaving or taking their seats or crossing the floor when the Speaker is in the Chair and another Member is speaking, they shall first bow to the Speaker and then bow to the Member speaking.

## Points of Order

Any breach of the Standing Orders or practice of the Assembly may be brought to the Speaker's attention at any time. In such cases the Member is entitled to interrupt debate by rising and saying, "On a point of order, Mr. Speaker," and stating concisely the point in question. The Speaker may then allow debate on the matter, after which he will render a decision on it, and then the business of the House can resume. (See Rule 24.)

## Privilege

In general, "privilege" is defined as an advantage or benefit, often manifested as an exemption or immunity from some duty or obligation, enjoyed by a particular group or individual. "Privilege" in a parliamentary sense is the sum of the rights and powers, other than the power to legislate, enjoyed collectively by the Assembly and individually by its Members, without which they could not discharge their functions.

Among the rights and powers possessed collectively by the Assembly that are usually recognized as privileges are

- the right to fill vacancies in the House and to determine whether Members are qualified to sit
- the right to regulate its own internal affairs and procedure including the power to establish, amend, or suspend its procedural rules
- the power to compel the attendance of witnesses and the production of documents
- the power to expel Members whom the Assembly considers unfit to be Members

No action for defamation may lie against a Member, nor is he or she subject to prosecution, for anything he or she says in the House or any of its committees or for anything contained in a written notice presented to the House.

(These statutory privileges that accrue to a Member are set out in the House of Assembly Act, Sections 26 to 33, 37, and 38.)

## Breach of Privilege

Any perceived wilful disregard for the privileges of the Assembly or its Members constitutes a possible breach of privilege and should be brought to the Assembly's attention immediately after the Speaker has been given notice, before the meeting of the House, if possible. (See Rule 29.)

The Speaker may then allow debate on the matter and either make a ruling immediately or reserve the decision for a later date. If the Speaker decides in the negative, there are no further proceedings on the matter. If the Speaker decides that there is a prima facie breach, the Member who raised the matter then moves that it be further

dealt with, usually by reference to the Standing Committee on Internal Affairs.

## Distinction between Points of Order and Privilege

A question of order concerns the interpretation of the Rules of Procedure and is a matter for the Speaker to determine.

A question of privilege is a question partly of fact and partly of law—the law of contempt of Parliament—and is a matter for the Assembly to determine after the Speaker has determined that there is a prima facie case of breach of privilege and the matter has been raised at the earliest opportunity. A question of privilege, generally speaking, refers to a specific Member or Members and a possible infringement of their rights, privileges, and immunities.

## Voting

No motion in the Assembly requires a seconder except the Motion for Address in Reply to the Speech from the Throne. Voting in the Assembly is by simple majority except when considering a change or suspension of its own Rules. Votes are first taken by voice and, if demanded by two Members, are done either by a standing vote or a recorded vote following a ringing of the division bells.

## Order Paper

The Order Paper, printed and consecutively numbered for each day of the session and put on the Internet, is the agenda or the outline of business of the House for the day. The Order Paper is divided into two distinct parts: the Daily Routine, which is the same every day, and the Orders of the Day, which varies.

Each day's sitting begins with the Speaker's procession, led by the Sergeant-at-Arms bearing the Mace. All Members remain standing while the Speaker offers prayers, and at the conclusion of the prayers, all Members take their seats, and the Daily Routine begins following the sequence on the Order Paper.

## Daily Routine

### *Presenting and Reading Petitions*

Under this item any citizen or group of citizens may petition the Assembly for redress of a grievance, provided that the petition does not request the expenditure of public funds or in any way affect the privileges of the Assembly and that it meets certain criteria as to form. Although citizens have the right to petition, they can exercise that right only through a Member, because the Assembly considers only those matters brought before it by its own Members. Hence, an individual Member may, from time to time, be asked by constituents for assistance in preparing or presenting a petition.

While by parliamentary tradition a Member is not obliged to present a petition, even of his or her own constituents, by the same token his or her presentation of a petition in no way implies concurrence with what it asks. The Member is required to sign the petition, but only as an indication that he or she is satisfied that it is in good order. In presenting the petition, the Member is limited to stating the number of signatures on the petition, the geographical area or sector of the public represented by the signatures, and the remedy it seeks. There is no debate on the presentation of a petition.

### *Presenting Reports of Committees*

The chairs of the various committees appointed by resolution of the Assembly present reports of those committees.

### *Tabling Reports, Regulations, and Other Papers*

Replies to written questions previously accepted by Ministers and returns to House Orders previously ordered by the Assembly, along with the reports required by statute, are tabled with the Clerk and become part of the Assembly's Sessional Papers.

### *Statements by Ministers*

Ministers may make brief statements on matters relating to their areas of responsibility. Following such statements, a representative of each opposition group may comment briefly on the statement, but no debate is permissible.

### *Government Notices of Motion*

Notice is given of a motion to appear on the Order Paper two days hence. This is written as well as presented orally in the House.

### *Introduction of Bills*

Every bill, whether public or private and local may be introduced without notice. The member asks for leave of the Assembly to introduce the bill, which is identified by title and by number following introduction.

### *Notices of Motion*

Two days' notice must be given of a motion for a resolution, for a House Order, for the appointment of any committee, or for placing a question on the Order Paper. A motion may be made without notice only when the House gives its unanimous consent. Each Member may orally introduce two notices of motion each sitting day.

## Orders of the Day

There are different schedules for each day of the week. See the Rules and Forms of Procedure of the House of Assembly for these. The major items in the schedules are as follows:

- Monday and Friday – Government Business
- Tuesday and Thursday – Oral Question Period
  – Government Business
- Wednesday – Oral Question Period
  – Opposition Members' Business
  – Oral Question Period

Questions can be put without notice to Ministers for not more than **one hour** on Tuesday and Thursday and for not more than **one hour and 30 minutes** on Wednesday. Questions not of a pressing nature or those requiring lengthy or detailed responses should be submitted as written questions.

A question may not

- repeat in substance a question already answered or to which an answer has been refused (a Minister is not obliged to answer a question, even if it is in order)
- inquire whether statements made in a newspaper are true
- contain an expression of opinion
- be a speech, however short, or be of unreasonable length
- request solution of a legal proposition or ask for an opinion such as interpretation of a statute, a Minister's powers, etc.
- be of a nature that might prejudice a pending or current trial in a court of law
- contain or imply charges of a personal nature
- seek information set forth in documents equally accessible to the questioner, such as statutes, published reports, etc.

- seek information about matters that are secret in nature, such as proceedings of Cabinet, advice given to the Crown by officers of the law, etc.
- seek information about proceedings in a committee that has not yet made its report to the Assembly
- be hypothetical

The order of questioners during Oral Question Period is determined by the Speaker on the basis of a list he compiles during the disposal of routine items. Members who wish to ask a question get the Speaker's attention, and their names are added to the list. Traditionally, the Speaker recognizes the Leader of the Opposition first, the Leader of a Recognized Party next, and then identifies subsequent questioners by constituency name. The Speaker allows two supplementary questions by the original questioner or by other Members.

In addition, members of an Opposition Party may propose topics for debate, between 6:00 pm and 6:30 pm or immediately following the moment of interruption on Tuesday and Thursday. A non-government Member of the majority party may propose topics for debate at the same time on Wednesday. This is called the adjournment debate or "the late show". Proposed topics must be filed with the clerk and there are special rules respecting the length of speeches, voting, and quorum at these times. See Rule 5.

## The Course of the Session

### The Throne Speech

The session starts with the Speech from the Throne, which sets out in broad terms the program of the government. Debate takes place on a motion by a Member of the government party who makes an address in answer to the speech thanking the Lieutenant Governor.

The mover and seconder of the motion usually take the opportunity to express personal views. The other Party Leaders debate the Speech from the Throne and move amendments to the main motion. Debate then ensues with the participation of many Members.

## Estimates and Budget Address

The time of the Budget Address may vary greatly from year to year. The Minister of Finance tables the Estimates and then delivers the Budget Speech. One Member speaking on behalf of the Official Opposition and one Member speaking on behalf of each recognized party respond to the Budget Speech. The Estimates are then referred to either the Committee of the Whole House on Supply or to the Subcommittee on Supply. The Committee of the Whole House on Supply considers the Estimates of **five Ministers** selected by the House Leader of the Official Opposition for a maximum of **40 hours**, and the Subcommittee on Supply considers the other estimates referred to it by the Committee of the Whole for a maximum of **40 hours**.

Following this consideration and the Committee's report back to the House, a bill is introduced to provide for the appropriations as approved by the committee.

### *Bills*

Bills introduced in the House of Assembly must receive three readings and are classified, based on their content, as public bills, private bills and local bills.

The Rules of the House require that before it is introduced, the bill be certified to be correct in form by the Legislative Counsel.

### *Public Bills*

These contain statements of law that are of general application throughout the whole province and apply to all citizens of the Province.

#### Government Bills

These are public bills that may be introduced by a Minister at any time during a session. Drafts of government bills are approved by Cabinet before introduction because they represent Government policy. Government bills are drafted by the Legislative Counsel, usually on instructions from the department involved.

#### Private Members' Bills

These are public bills that seek to establish or amend a public act but are introduced by members other than ministers of the Crown, or by ministers of the Crown in their capacity as private members. Any Member may introduce a private member's bill at any time during the session as long as it is not a bill requiring expenditure of money or making tax changes. These bills do not necessarily reflect the policy of the Government.

### *Private Bills and Local Bills*

Private bills and local bills may be introduced by any Member. They are bills that affect only private individuals or persons of a particular locality and confer upon them some privileges or exemptions from the general law. For example, a private bill may provide for the incorporation of a hospital board or the change of a person's name.

(See House Rule 65–75 for the rules relating to private and local bills.)

## How a Bill Becomes Law

Each bill passes through the following stages:

1. The Bill is introduced by the Member who rises in his or her place and says "Mr. Speaker, I beg leave to introduce a bill, entitled ..." This is the first reading. The bill is not read, and no comments are made regarding its contents. There is no debate at this stage.

   At the time of first reading a number is assigned to the bill, and it is then printed for distribution to the Members of the House and put on the website. When the bill has been printed, the word PRINTED is marked on the Order Paper beside the Bill, and it is then ready for further consideration.

2. When a bill has been called for second reading, the Member who introduced the bill moves second reading and explains its purpose and content. At this stage Members have the opportunity to participate in a debate on the principle of the bill. They may speak only once during this debate, and no amendments are made at this time. Debate on second reading is closed when the Member introducing the bill speaks for the second time to answer inquiries or objections that have arisen during debate.

3. If a bill is passed on second reading, (given approval in principle), it is referred to a Committee. Public bills are referred to the Law Amendments Committee. Private or local bills are referred to the Private and Local Bills Committee. Both the Law Amendments Committee and the Private and Local Bills Committee hear representations from any interested persons. The time and location for the hearings are determined by the Chair of the committee, subject to direction by the committee. The Legislative Counsel's Office provides counsel for both the Law Amendments Committee and the Private and Local Bills Committee. Persons who wish to make representations respecting any bill at the committee stage or wish to be present when the hearing takes place should advise the Legislative Counsel's Office so that their

names can be listed and they can be notified when the date and time of the meeting is determined. The bill is considered, in detail, in these committees.

4. Bills are returned to the House from these two committees either with or without recommendations for specific changes. After the bills have been reported to the House they are then considered by the Committee of the Whole House on Bills and debated in detail for a maximum of 20 hours. Members may speak more than once during this debate, and the amendments made in the committees can be either approved or rejected at this time. The Committee of the Whole House then reports to the House and the bill is placed on the Order Paper for third reading.

5. Third Reading of the bill is often a fairly quick approval, although it may be debated. If the Bill is to be amended at this stage it must be recommitted to the Committee of the Whole House on Bills. (See Rule 51.)

6. After approval on third reading, the bill receives Royal Assent. Royal Assent is given by the Lieutenant Governor, usually before the House of Assembly, and the bill is thereafter referred to as an act.

   Ordinarily an act takes effect on the date upon which it is assented to. However, it is sometimes provided that it shall take effect on a specified date or on a date to be fixed by **proclamation** by the Lieutenant Governor in Council.

# 5. Documents of the Assembly

## Order Paper

The Order Paper is sometimes referred to as the Orders of the Day. It is published each day by the Clerk's Office under the authority of the Speaker and lists all the items of business that could be considered by the Assembly on that date, according to an established order. Items listed are not necessarily dealt with in order, nor are all items dealt with on any sitting day. Business that has not been completed during the sitting day may be taken up at a later date.

Each Member receives a copy of the Order Paper on their desk before that day's sitting. It is posted to the Internet and copies can also be obtained from the Clerk's Office.

## Journals of the House of Assembly

The Journals are the complete official, indexed record of the Assembly's proceedings during the Session. It is compiled by the Clerk's Office. Each Member receives one copy after prorogation of the Assembly.

## Hansard (The Debates of the Nova Scotia House of Assembly)

Hansard is produced daily by Nova Scotia Hansard Reporting Services, under the authority of the Speaker, from the taped records of the sittings of the House. The edited text, in camera ready form, is forwarded to the Queen's Printer, printed and distributed and put on the Legislature's Web site the next day.

## Bills

A Bill is a proposed Statute or Act submitted to the Assembly for its consideration. After the Bill has been introduced in the Assembly each member will receive a printed copy.

## Acts

An act is a bill that has had three readings and that has received Royal Assent by the Lieutenant Governor. There are three types of acts—public acts, private acts, and local acts—which make up the statutes for a session of the Legislature. The statutes are then printed in a bound volume and given to each Member after the session is adjourned or prorogued.

## Sessional Papers

Sessional papers are documents that are either laid before the Assembly pursuant to statutory requirement or Order of the Assembly, such as an annual report, or are voluntarily provided to the Assembly. This is called 'tabling'.

Annual reports from the various departments in the government are distributed to each Member after tabling, and multiple copies are sent to the Legislative Library.

Documents presented voluntarily by a Member such as a letter or a newspaper article may be tabled with the Clerk and will be kept by the Clerk's Office until the end of the session and then sent to Nova Scotia Archives and Records Management to be kept permanently.

## House Orders

A House Order is a request for specific material—whether information, documents, or correspondence—relating to a certain matter. The Member must prepare a notice of motion for a House Order and file it with the Clerk. The Clerk then sends the notice on to the department concerned, and departmental staff brief the Minister so that the question is clear before the vote is called in the House. Once the House approves the House Order, it must be completed by the department concerned.

If a Return to a House Order is not completed and tabled before prorogation of a session, the order is still in effect. If dissolution occurs before a return required by a House Order is tabled, it is assumed, as with other uncompleted business of the House, to have expired.

The Journals and other records of the House of Assembly keep track of the tabling of a House Order and whether it has been returned.

# 6. Committees of the Assembly

Committees of the Legislative Assembly other than the Committees of the Whole fall into two main groups, namely, Standing Committees and Select Committees.

## Standing Committees

The Standing Committees are as follows:

- Internal Affairs
- Law Amendments
- Private and Local Bills
- Public Accounts
- Economic Development
- Human Resources
- Community Services
- Resources
- Veterans Affairs

Although these committees are in existence on a permanent basis by the authority of Rule 60, it is necessary at the commencement of each Assembly to appoint members to compose them through a special committee known as the Striking Committee.

There is also a **Committee on Assembly Matters**, composed of the Speaker who acts as Chair of the Committee and nine other members appointed by the Striking Committee. This committee may examine the rules, procedures, organization, and facilities of the House of Assembly and may recommend the provision of support services and facilities for the Members.

## Select Committees

Select Committees are committees appointed by the House to inquire into specific matters. The resolutions by which they are appointed set forth in detail their terms of reference. After their assigned tasks are completed, these committees report back to the House through their chair, and their reports are tabled in the House.

## Committees of the Whole House

Committees of the Whole House are the **Committee of the Whole House on Supply**, which gives a detailed examination of the various resolutions relating to the supply of money for the operation of each department of government, and the **Committee of the Whole House on Bills**, which gives a clause-by-clause examination of those bills that have been reported back by the Law Amendments Committee or the Private and Local Bills Committee. When the House goes into these committees, the mace is placed under the table, the Speaker leaves the Chamber, and the Chairman of the Committee of the Whole, the Deputy Speaker, takes his place at the head of the table. The Rules of the House apply, but there is no limit on the number of times a member may speak.

# 7. Members' Indemnities, Allowances, and Expenses

The House of Assembly Act requires that the Speaker annually appoint a Commission of Inquiry to review all aspects of remuneration for elected provincial officials, and the recommendations of the Commissioners are binding. In addition, proposals made by Commissioners with respect to various allowances and expenses are the responsibility of the Legislature Internal Economy Board, and changes to these may be made by this board. The expense claims of Members must be carefully completed and forwarded to the Speaker's Office for verification.

An amendment to the House of Assembly Act in 2001 stipulated that this commission would not be set up in 2001, and that for the year 2002 the annual indemnity and allowance for expenses and salaries paid to the members pursuant to the House of Assembly Act would be the amount given in 2001 plus the average percentage increase in salary paid for the year 2001 to members of the Civil Service in the Management Compensation Pay (MCP) plan. The same amendment to the House of Assembly Act was passed in 2002 to address the 2003 annual indemnity and allowance for expenses and salaries paid to the members.

# LEGISLATURE INTERNAL ECONOMY BOARD REGULATION

Consolidation of 2003 and 2003A

## Citation

1 This Regulation may be cited as *Internal Economy Board Regulation 2003*.

## Authority

2 This Regulation is made by the Legislature Internal Economy Board pursuant to the *House of Assembly Act*.

## Interpretation

3 (1) Unless otherwise stated, in this Regulation,

(a) "economy air fare" does not include expenses incurred for the private charter of aeroplanes;

(b) "recognized party" means a party that is represented by two or more members, is a recognized party in accordance with the Elections Act, had candidates standing for election for three quarters of the seats of members in the House and received ten per cent or more of the votes officially recorded in the latest general election of the members of the House; and

(c) other words, phrases and expressions have the same meaning as in the *House of Assembly Act*.

(2) For the purpose of subsections 7(6) and 22(1), (2) and (4), a member ceases to be a member at the end of the month in which

(a) the member dies or resigns; or

(b) an election is held for the member's electoral district if the member does not re-offer or is defeated.

(3) For the purpose of subsection 21(3), a person becomes a member at the beginning of the month in which the election, at which the person was elected, was held. *amended 2003A s. 2 effective January 1, 2003*

HOUSE INDEMNITY-ALLOWANCE-TRAVEL-EXPENSE

## Indemnity, Allowance and Salary

4 (1) Each member of the House is entitled during the year to receive a member's indemnity and allowance in four equal instalments or, where the member so requests in writing of the Chairman of the Legislature Internal Economy Board, in twelve or twenty-six equal instalments, each instalment being paid at equally spaced intervals throughout the year.

(2) The Chief Clerk and the Sergeant-at-Arms are eligible to draw salary in the same manner as the members of the House of Assembly.

## Outside Member Travel

5 (1) Subject to Section 28, each outside member, except the Premier or a member of the Executive Council having charge of a department or the Leader of the Opposition or a leader of a recognized party, is entitled to reimbursement for actual travelling expenses calculated in accordance with Section 29 and incurred during the year between the place where the outside member is ordinarily resident and the former City of Halifax to attend sittings of the House.

(2) Notwithstanding subsection (1), each member of the Executive Council who is an outside member and normally travels by motor vehicle on a daily basis between the Halifax-Dartmouth metropolitan area and the member's constituency in the capacity of a member of the Executive Council, is entitled to be reimbursed for

travelling expenses by the shortest and most convenient route at the rate of per kilometre allowed by these regulations.

(3) Subsection (2) does not apply to

(a) a member of the Executive Council who is an outside member and who has been provided with a government-leased or government-purchased motor vehicle; or

(b) a member of the Executive Council who is an outside member and who leases premises for sleeping accommodation in the Halifax-Dartmouth metropolitan area.

(4) Notwithstanding subsection (1), if an outside member entitled to reimbursement pursuant to that subsection normally travels by motor vehicle on a daily basis between the Halifax-Dartmouth metropolitan area and the member's constituency to attend sittings of the House, the first trip made during a week that the House is sitting shall be counted as one of the fifty-two trips referred to in Section 28 and the member shall be reimbursed accordingly and for any additional trips made during that week to attend sittings of the House the member is entitled to be reimbursed for travelling expenses by the shortest and most convenient route at the rate per kilometre allowed for the public service.

(5) Subsection (4) does not apply to an outside member referred to in that subsection if the member leases premises for sleeping accommodation in the Halifax-Dartmouth metropolitan area.

## Outside member allowance

6 (1) Each outside member, except the Premier or a member of the Executive Council having charge of a department or the Leader of the Opposition or a leader of a recognized party, is entitled for attending a sitting of the House to

(a) an amount of $65.00 on account of expenses, without receipts, for each day that the outside member is in attendance at the House while the House is in session; and

(b) reimbursement in addition to that authorized by clause (a) for expenses,

(i) with proper receipts for sleeping accommodation charges only, or

(ii) notwithstanding Sections 5 and 28, for travel by the shortest and most convenient route between the place where the outside member is ordinarily resident and the place where the House ordinarily sits at the rate set out in Section 29,

incurred in attending the House while it is in session to a maximum of $85.00 per day.

(2) Notwithstanding anything contained in this Section, a member shall not submit a claim for travel more often than once every two weeks in respect of payments to be made pursuant to this Section.

## Leased Premises

7 (1) In this Section, "actual monthly rental expense" means the actual monthly rental expense as set out in the lease and includes expenses, with proper receipts, for furniture, telephone, utilities, appliances and incidentals.

(2) An outside member, other than the Premier or a member of the Executive Council having charge of a department or the Leader of the Opposition, who leases accommodation in the Halifax-Dartmouth metropolitan area, shall be reimbursed $1,100.00 per month or the actual monthly rental expense, whichever is the lesser.

(3) If two or more members are leasing the same premises pursuant to subsection (2), each member shall be reimbursed $1,100.00 per month, but under no circumstances shall reimbursement be made in excess of the actual monthly rental expense.

(4) If a member is reimbursed for leased premises pursuant to this Section, the member shall not be reimbursed for sleeping

accommodation charges pursuant to Sections 6 or 23.

(5) No amount shall be paid to a member for any expense relating to the acquisition of any equity interest in a personal residence, including a condominium.

(6) A member may be reimbursed for leased premises pursuant to this Section for necessary termination expenses after the member ceases to be a member, but not exceeding the allowable reimbursement for three months.

## Non-outside member and outside member of Executive Council allowance

8 Each non-outside member, and each outside member who is a member of the Executive Council or the Leader of the Opposition or a leader of a recognized party and not entitled to submit a claim pursuant to Section 6, is entitled to an amount of $65.00, without receipts, for expenses for each day that the member is in attendance at the House while the House is in session.

## Committee and Board chairs

9 (1) The chair of each standing committee, each select committee and each special committee of the House and the Legislature Internal Economy Board is entitled to payment as follows:

(a) Law Amendments Committee and Public Accounts Committee – $2,000.00;

(b) all other committees of the House – $1,500.00;

(c) Legislature Internal Economy Board – $2,000.00.

(2) If a payment is made pursuant to this Section to a member in the capacity of chair of a committee or the Legislature Internal Economy Board, no further payment may be made pursuant to this Section in respect of that position for the same six-month period unless there is an intervening general election.

(3) For greater certainty, if a payment is made pursuant to this Section to a member in the capacity of chair of a committee or the Legislature Internal Economy Board and the member ceases to hold that position before the end of the six-month period for which it was made, the payment shall not be pro-rated.

## Committee expenses

10 (1) The chair and each member of each standing, select and special committee of the House and the Legislature Internal Economy Board for each day on which the chair and a member attends a meeting of a committee or the Board when the House is not sitting or the meeting is held outside the Halifax-Dartmouth metropolitan area is entitled to receive reimbursement for

(a) an amount of $65.00 on account of expenses, without receipts, for meals and other reasonable expenses incurred for the purpose of attending the meeting or actual expenses for meals and other reasonable expenses;

(b) actual expenses incurred in respect of accommodation; and

(c) travelling expenses calculated in accordance with Section 29.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than one night's accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) Other expenses incurred pursuant to subsection (1) shall not be for more than two days.

## House leaders, whips and caucus chairs

11 (1) A payment of $6,500.00 shall be made to the House Leader.

(2) A payment of $3,000.00 shall be made to the Deputy House Leader.

(3) A payment of $4,000.00 shall be made to the person recognized by the Speaker as occupying the position of House Leader of the Official Opposition.

(4) A payment of $4,000.00 shall be made to the person recognized by the Speaker as occupying the position of house leader of a recognized party.

(5) The whip of each recognized party of the House shall receive a payment determined by multiplying the number of members of the party by $150.00.

(6) The caucus chair of each recognized party of the House shall receive a payment determined by multiplying the number of members of the party by $400.00, not including a member of the Executive Council, the Leader of the Opposition or the leader of a recognized party.

(7) In this Section, "member" means a duly elected member of the House but does not include the Speaker.

(8) If a payment is made pursuant to this Section to a member in the capacity of House Leader, Deputy House Leader, House Leader of the Official Opposition, house leader of a recognized party, whip or caucus chair, no further payment may be made pursuant to this Section in respect of that position for the same six-month period unless there is an intervening general election.

(9) For greater certainty, if a payment is made pursuant to this Section to a member in the capacity of the House Leader, Deputy House Leader, House Leader of the Official Opposition, house leader of a recognized party, whip or caucus chair and the member ceases to hold that position before the end of the six-month period for which it was made, the payment shall not be pro-rated.

## Instalment payments

12 A payment respecting a position referred to in Section 9 or 11 shall be paid in two instalments, after January 1st and July 1st, upon the Office of the Speaker being advised by the caucus chair of the holder of the position.

CAUCUS

## Caucus offices

13 (1) In this Section, "member" does not include the Speaker, the Premier or other member of the Executive Council, the Leader of the Opposition or the leader of a recognized party.

(2) The caucus offices are entitled to $53,500.00 per member for support services, including employment positions.

(3) The sums referred to in subsection (1) shall be increased for each member that a caucus gains and be decreased for each member that a caucus loses by the proportion of $53,000.00 that the number of days remaining in the year is to the number of days in the year.

(4) The salary component of the entitlement under this Section shall be adjusted in accordance with any salary increase given to the public service.

(5) For greater certainty, the sums referred to in this Section do not include the offices of the Leader of the Opposition or a leader of a recognized party.

## Caucus and task force meetings

14 (1) Members of the Government Caucus, members of the caucus of the Official Opposition and members of the caucus of each recognized party are eligible for reimbursement, pursuant to subsections (3) and (4), for a maximum of four trips to attend caucus meetings held in the Province outside the former City of Halifax during the year.

(2) In lieu of each of one or more of the caucus meetings referred to in subsection (1), members of the Government Caucus, members

of the Caucus of the Official Opposition and members of the caucus of each recognized party may be reimbursed in accordance with subsections (3) and (4) and Section 23 for a trip to attend a task force meeting anywhere within the Province where the task force meets in one location only and is for a maximum of two nights.

**(3)** A member attending a caucus meeting pursuant to subsection (1) or a task force meeting pursuant to subsection (2) is entitled to receive reimbursement for

(a) an amount of $65.00 on account of expenses, without receipts, for meals and other reasonable expenses incurred for the purpose of attending the meeting or actual expenses for meals and other reasonable expenses;

(b) actual expenses incurred in respect of accommodation; and

(c) travelling expenses calculated in accordance with Section 29.

**(4)** Sleeping accommodation charges incurred and claimed pursuant to subsection (3) shall

(a) be accompanied by proper receipts; and

(b) not exceed the government rate for the establishment where the member stayed.

## Caucus chairs — expenses

**15** Where the chair of a caucus is an outside member, that member is entitled to claim and to be paid, in addition to any other expenses allowed the chair, the same allowance and reimbursement authorized for an outside member for twelve return trips between the place where the chair is ordinarily resident and the former City of Halifax.

## Expenses within the Province

**16** The Leader of the Opposition and the leader of a recognized party, in carrying out official duties within the Province, are entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader or leader and one assistant.

## Special travel

**17** In addition to the entitlement authorized by Section 24, the Leader of the Opposition and the leader of a recognized party are entitled to be reimbursed for actual and reasonable expenses incurred for accommodation, meals, travel and incidentals incurred by the Leader or leader and one assistant in carrying out official duties outside the Province on two separate occasions during the year, subject to the restriction that on each occasion reimbursement shall not exceed expenses incurred for travel that includes more than three nights accommodation.

## Living allowance

**18** The Leader of the Opposition, as an outside member, shall receive an allowance equivalent to that provided pursuant to the *Executive Council Act* to members of the Executive Council for living expenses within the former City of Halifax.

## Motor vehicle

**19** The Leader of the Opposition and the leader of a recognized party are entitled to a leased motor vehicle on the same basis as is a member of the Executive Council for a government leased or purchased motor vehicle.

## Support services

20 (1) In this Section, "independent member" means a member who is not a member of a caucus that receives financial support pursuant to Section 13.

(2) An independent member shall be provided with

(a) office space not exceeding three hundred square feet;

(b) one secretary at the Civil Service classification AS(13);

(c) office furniture and equipment necessary to furnish and equip the office for the member and one secretary;

(d) one telephone line; and

(e) reasonable postage.

(3) If there is any question arising from subsection (2) in respect of the office of the independent member concerning

(a) the selection of space;

(b) the level of the secretary within the AS(13) classification;

(c) the selection or amount of furniture; or

(d) reasonable postage,

such question shall be determined by the Chairman of the Legislature Internal Economy Board.

(4) An independent member may incur and be reimbursed for long-distance telephone charges for telephone calls made from the office telephone in respect of House or constituency business.

CONSTITUENCY MATTERS

## Franking and travel

21 (1) Each member of the House is entitled to receive $12,750.00

(a) in substitution for the franking privilege and in lieu of expenses incurred on account of postage; and

(b) in lieu of expenses incurred on account of travel within the member's constituency.

(2) Instead of the amount set out in subsection (1),

(a) the members for

(i) Guysborough-Sheet Harbour,

(ii) Inverness, and

(iii) Victoria-The Lakes,

are each entitled to receive $16,830.00;

(b) the members for

(i) Colchester-Musquodoboit Valley,

(ii) Cumberland South,

(iii) Digby-Annapolis, and

(iv) Queens,

are each entitled to receive $15,810.00;

(c) the members for

(i) Shelburne,

(ii) Colchester North, and

(iii) Annapolis,

are each entitled to receive $14,790.00; and

(d) the members for

(i) Hants East,

(ii) Cape Breton West,

(iii) Chester-St. Margaret's,

(iv) Pictou East,

(v) Argyle, and

(vi) Antigonish,

are each entitled to receive $13,770.00.

(3) The amounts payable pursuant to subsection (1) or (2) to a person who becomes a member during the year shall be reduced proportionally to the percentage of the year that the person may be a member. *amended 2003A s. 3 effective general election*

## Services

22 (1) In this Section, "expenses" means expenses incurred by a member prior to the time a member ceases to be a member, or within three months after the member ceases to be a member, regardless of when the expense is to be paid by the member except that a member shall not be reimbursed for expenses incurred by a member prior to the time a member ceases to be a member, or within three months after the member ceases to be a member, if those expenses are required to be paid more than three months after the member ceases to be a member.

(2) Each member of the House is entitled to receive the sum of $700.00 per month in lieu of expenses incurred on account of services to that member's constituency and a further sum, net of sales tax, not exceeding $3,800.00 per month for expenses accounted for by proper receipt and incurred on account of services in that member's constituency for the provision of office space, meeting places, equipment, telephone, telephone answering services, advertising and secretarial services.

(3) Where the maximum amount that may be claimed pursuant to subsection (2) is not claimed in any month the unclaimed balance may be claimed in a subsequent month.

(4) Each member of the House is entitled to receive the sum of $5,700.00 per month in lieu of expenses incurred on account of services to that member's constituency and a further sum, net of sales tax, not exceeding $3,800.00 per month for expenses accounted for by proper receipt and incurred on account of services in that member's constituency in accordance with subsection (2) for three months after the member ceases to be a member.

(5) Expenses incurred for the lease or the lease-purchase of office furniture and equipment are expenses for which a member may be reimbursed pursuant to this Section.

(6) Notwithstanding anything contained in this Section, a member shall not submit more than one expense claim in a month in respect of all payments made pursuant to this Section for a month.

(7) Nothing contained in this Section means that the Office of the Speaker may not make a payment on account of expenses to the person directly performing the service on behalf of the member at the member's request. *amended 2003 s. 4 effective April 1, 2003*

## Attendance at Halifax

23 (1) Subject to Section 28, each outside member, except the Premier or a member of the Executive Council having charge of a department or the Leader of the Opposition or a leader of a recognized party, is entitled to

(a) an allowance of $65.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for travelling expenses calculated in accordance with Section 29 and expenses for sleeping accommodation charges incurred,

for return trips between the place where the member is ordinarily resident and the former City of Halifax to attend in Halifax other than to attend a sitting of the House or one of its committees.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation unless approved in advance by the Chairman of the Legislature Internal Economy Board; and

(c) not exceed the government rate for the establishment where the member stayed.

## Attendance at Ottawa

24 (1) Each member is entitled to

(a) an allowance of $65.00 on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for one return trip between the place where the member is ordinarily resident and the City of Ottawa to attend in Ottawa on constituency business.

(2) Sleeping accommodation charges incurred and claimed pursuant to subsection (1) shall

(a) be accompanied by proper receipts;

(b) not be for more than two nights accommodation; and

(c) not exceed the government rate for the establishment where the member stayed.

(3) The Chairman of the Legislature Internal Economy Board may permit reimbursement for an additional day and night if the total reimbursement would be less.

(4) The Government Caucus, the Official Opposition Caucus and the caucus of a recognized party may each designate a member to make two return trips or two members to each make one return trip to attend in Ottawa on constituency or caucus business and subsections (1) and (2) apply *mutatis mutandis* to each such trip.

## Attendance outside the Province other than Ottawa

25 (1) Where a member is not reimbursed pursuant to Section 24 for a return trip between the place where the member is ordinarily

resident and the City of Ottawa on constituency business, that member is entitled to

(a) an allowance of $65.00 on account of expenses, without receipts, for each day; and

(b) reimbursement, in addition to that authorized by clause (a), for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred,

for one return trip between the place where the member is ordinarily resident and another place in Canada outside the Province to attend that other place on constituency business.

(2) Subsections 24(2) and (3) apply to reimbursement pursuant to this Section.

(3) Notwithstanding subsections (1) and (2), the member is not entitled to an amount pursuant to this Section for economy air fare charges in excess of that to which the member would have been entitled pursuant to Section 24.

## Attendance at authorized parliamentary or legislative meetings

26 Each member is entitled to

(a) an allowance of

(i) $80.00 in the case of travel outside Canada, or

(ii) $65.00 in the case of travel within Canada,

on account of expenses, without receipts, for each day; and

(b) reimbursement in addition to that authorized by clause (a) for economy air fare, normal airline ground transportation and expenses for sleeping accommodation charges incurred if the sleeping accommodation charges are

(i) accompanied by proper receipts,

(ii) not for more than two nights accommodation, and

(iii) do not exceed the government rate for the establishment where the member stayed,

unless determined otherwise by the Chairman of the Legislature Internal Economy Board for return trips between the place where the member is ordinarily resident and another place to attend at that other place a meeting of the Commonwealth Parliamentary Association or a meeting of any other parliamentary or legislative group, if approval of the Chairman of the Legislature Internal Economy Board is obtained before incurring the expenses.

## Expenses of critics

**27 (1)** Persons occupying the position of critic of a department or agency of Government are entitled to reimbursement for actual and reasonable expenses for accommodation, meals, travel and incidentals incurred by the critic for attending not more than two meetings per year within the Province which meetings are necessarily incidental to the duties of the critic, if approval of the Chairman of the Legislature Internal Economy Board is obtained before incurring the expenses.

(2) Reimbursement pursuant to subsection (1) is limited to three days and two nights for each meeting.

(3) In lieu of each of one or more of the caucus meetings referred to in subsection 14(1), members of the Government Caucus, members of the Caucus of the Official Opposition and members of the caucus of each recognized party may be reimbursed in accordance with this Section for a meeting referred to in subsection (1) if approval of the Chairman of the Legislature Internal Economy Board is obtained before incurring the expenses.

## Restriction

28 Except as authorized by Section 5, no member shall be reimbursed for travel expenses authorized by Sections 5, 14 and 23 in excess of fifty-two return trips in the year between the place where the member is ordinarily resident and the former City of Halifax to attend in Halifax, other than for attendance at a meeting of a select committee, a special committee or a standing committee.

## Calculation of travel expense

29 Each outside member of the House, the Leader of the Opposition and a leader of a recognized party entitled under the *House of Assembly Act* to receive travelling expenses is entitled to be reimbursed out of the Consolidated Fund of the Province for claimed travelling expenses incurred for travel by the shortest and most convenient route between the place where the member is ordinarily resident and the place where the House ordinarily sits or the Committee is meeting at

(a) 34¢ per kilometre; or

(b) the cost of economy air fare plus normal airline ground transportation.

## Out-of-Province travel

30 Members of the House are entitled to reimbursement for health-insurance premiums for out-of-Province travel on House business, if such premiums are necessary to maintain coverage.

## No recovery upon ceasing to be member

30A Where

(a) a member dies or resigns; or

(b) there is a general election during the year and a member does not re-offer or is defeated,

no recovery of any amounts paid to the member pursuant to this Regulation shall be made as a result of the member not being a member for the remainder of the year. *added 2003A s. 5 effective January 1, 2003*

## Request for Reimbursement

**31** A person who makes a request for payment or reimbursement shall

(a) make the request in writing on the form provided by the Legislature Internal Economy Board;

(b) make the request within six months from the time the payment or claim for which reimbursement is made was incurred or became eligible to be paid;

(c) sign the request and certify that the request is correct; and

(d) forward the request to the Office of the Speaker.

## Limitation on reimbursement

**32** Notwithstanding anything contained in this Regulation, no member may claim for reimbursement an expense

(a) for which the member is reimbursed pursuant to another regulation or enactment;

(b) paid to the member's spouse, child, parent, brother or sister;

(c) paid to a person living in the same dwelling, as a member of the same household;

(d) paid to any business or on account of property in which the member or those persons mentioned in clause (b) or (c) have an ownership interest.

## Payment approval

**33 (1)** Directions for payment of indemnities, allowances, payments or reimbursements and approval of requests for payment

or reimbursement shall be issued or made by the Chairman of the Legislature Internal Economy Board, the Vice-chairman or a person designated by the Chairman.

(2) The person who approves a request for payment or reimbursement has the authority to reduce or increase the amount of the payment or reimbursement claimed where that person determines that the amount claimed is in error.

## Application

**34** This Regulation applies from January 1, 2003, to December 31, 2003.

REGULATION 2003 APPROVED by the Legislature Internal Economy Board at Halifax, Nova Scotia, this 19th day of November, 2002.

REGULATION 2003A AMENDMENTS APPROVED by the Legislature Internal Economy Board at Halifax, Nova Scotia, this 6th day of May, 2003.

Honourable Murray Scott
Chairman

# 8. Members' Benefits

## Members' Retiring Allowances Act

### Members' Contributions

- 10 per cent of the Member's annual indemnity payment, plus
- 10 per cent of the Member's annual allowance for expenses, plus
- (where applicable) 10% of the Member's annual salary for Executive Council or other salaried office

**Note:** A Member's contributions cease after 15 years for each payment.

### Members' Retiring Allowance Entitlement

On ceasing to be a Member, a Member qualifies for an immediate retiring allowance payment after having served five years during two or more General Assemblies and having attained age 55. A former Member who qualifies for a retiring allowance may make application for an actuarially reduced allowance as early as 45 years of age.

### Calculation of Retiring Allowance

A. Annual allowance =
average indemnity x 5% x years of service
(last 3 years) (maximum 15)

PLUS

B. Annual allowance =
average allowance for expenses x 5% x years of service
(last 3 years) (maximum 15)

PLUS

C. Annual allowance for salaried office =
average Executive Council salary x 5% x years of service
(highest 3 years) (maximum 15)

**Total Annual Retiring Allowance** = A + B + C (as applicable)

**Notes:**

- Members may not accrue more than 15 years of pensionable service in respect of each payment listed under the Members' Retiring Allowances Act.
- All retiring allowances are indexed annually in line with the Canadian Consumer Price Index to a maximum of 6 per cent.

### Spouses' Allowance

A surviving spouse is entitled to 66 $^{2/3}$ per cent of the Member's allowance entitlement.

### Dependent Children's Allowance

An additional allowance equal to 10 per cent of the Member's entitlement is payable to dependent children to age 18, or to age 25 if in full- time attendance at a recognized educational institution.

## Group Life Assurance Policy

All members are eligible for coverage but must make application in order to be covered.

| Coverage | Basic | Optional |
|---|---|---|
| Member of House of Assembly | $100,000 | One or two times annual indemnity |
| Member of the Executive Council Leader of the Opposition or Leader of a Recognized Party or Speaker of the House | Additional $100,00 | One or two times annual salary and or one or two times annual indemnity |

**Note:** Coverage terminates 31 days after end of appointment or

31 days after age 65 if in receipt of pension, with an option to convert to an individual policy with the carrier.

## Health and Dental Coverage

The Province of Nova Scotia cost-shares an extended health and dental plan for its eligible Members.

The contract provides Hospital Care (semi-private hospitalization), Extended Health (nursing services, para-medical services, etc.), and Dental Care. A booklet that details the available coverage can be obtained from the Speaker's Office.

Note: Dental coverage and out-of-province travel coverage cease upon retirement.

## Travel Accident Policy

Coverage is in effect while the Member is travelling on the business of the employer. The principal sum is $200,000.

### Specific Loss Accident Indemnity

If injury results in any of the following losses within 365 days after the date of the accident, the insurer will pay for the following:

| | |
|---|---|
| • loss of life | the principal sum |
| • loss of both hands | the principal sum |
| • loss of both feet | the principal sum |
| • loss of the entire sight of both eyes | the principal sum |
| • loss of one hand and one foot | the principal sum |
| • loss of one hand and the entire sight of one eye | the principal sum |

| | |
|---|---|
| • loss of one foot and the entire sight of one eye | the principal sum |
| • loss of one arm | three-fourths of the principal sum |
| • loss of one leg | three-fourths of the principal sum |
| • loss of one hand | two-thirds of the principal sum |
| • loss of one foot | two-thirds of the principal sum |
| • loss of the entire sight of one eye | two-thirds of the principal sum |
| • loss of thumb and index finger or at least four fingers of one hand | one-third of the principal sum |
| • loss of all toes of one foot | one-third of the principal sum |
| • loss of speech and hearing in both ears | two-thirds of the principal sum |
| • loss of speech | two-thirds of the principal sum |
| • loss of hearing in both ears | two-thirds of the principal sum |
| • loss of hearing in one ear | one-third of the principal sum |
| • quadriplegia (total paralysis of both upper and lower limbs) | 2 times the principal sum |
| • paraplegia (total paralysis of both lower limbs) | 2 times the principal sum |
| • hemiplegia (total paralysis of upper and lower limbs of one side of the body) | 2 times the principal sum |

## Long Term Disability Plan

Plan Effective Date: December 1, 1989

## Eligibility

Members under age 65, with less than 15 years of pensionable service under the Members' Retiring Allowances Act in respect of any applicable earning, shall become eligible for coverage on the later of the Plan effective date or the date the member is elected to the House of Assembly. Only those Members elected prior to the policy effective date may elect in writing to decline coverage within 90 days of the effective date of coverage provided they are under age 65. Eligible Members will automatically be covered under the Plan.

Retired Members are not eligible for coverage.

## Benefits

In the event you become totally disabled for the required period of time known as the Qualifying Disability Period and you are under the continual treatment of a legally qualified physician you will receive a monthly income benefit.

*Qualifying Disability Period* – 6 consecutive months prior to age 65.

*Monthly Benefit* – 70% of monthly earning maximum benefit of $6,000 per month.

*No-Evidence Limit* – Evidence of insurability will not be required for members eligible for coverage on or prior to December 1, 1989. Evidence of insurability, satisfactory to the Insurer, will be required for benefits in excess of $3,500 per month for members eligible for coverage after December 1, 1989.

*Maximum Disability Period* – to age 65.

## Total Disability

You are considered totally disabled during the first 60 months in which you receive benefits if you are unable to perform any and every duty of your occupation. After this period you are considered totally disabled if you are unable to perform any and every duty of any occupation for which you are reasonably qualified by training, education or experience.

## Recurrent Disability

If a disability recurs and it is due to the same or related causes, it will be considered as one continuous disability and will not be subject to the Qualifying Disability Period unless you have returned to active, full-time employment for a period of 6 consecutive months or longer.

If your new disability is due to causes unrelated to your prior disability you may be eligible for a new disability period, subject to the Qualifying Disability Period, if you have returned to active work for at least one full day.

## Accrual of Pensionable Service While in Receipt of Disability Payments

A member will continue to accrue pensionable service under the Members' Retiring Allowances Act while in receipt of disability payments. The Legislature Internal Economy Board will pay the total pension contributions required under the Act or applicable plan during the disability period.

## Offsets

The amount payable under this benefit for total disability is calculated by deducting from your benefit any sources of income. These are specified in the Master Policy and include the following:

- wages or retirement benefits payable from your employer or employer's pension or retirement plan
- amount of any severance allowances payable from your employer;
- any payments on account of your disability from any workers' compensation law or similar law
- payments received from the Canada or Quebec Pension Plan, excluding payments made in respect of dependent children
- any income or benefit payable under any other plan or program of any government or the Crown or of any subdivision or agency of the government or the crown, including any plan or program established pursuant to a provincial automobile insurance act

The monthly benefit shall not exceed 85 per cent of your gross monthly earnings as of the date your disability commenced.

## Exclusions and Limitations

No benefits are payable to an insured member for any total disability commencing within six months of the insured member's effective date of coverage if the disability is caused or contributed to by a sickness or accidental injury for which the member has received medical treatment services or has taken a prescribed drug at any time within ninety days before his or her effective date of coverage.

Benefits are not payable for the following:

- for any portion of a period of disability unless you are receiving ongoing supervision/treatment by a physician deemed

appropriate by the insurer for the impairment which is causing the disability. You will not be paid for any portion of a period of disability during which you do not participate in the treatment program recommended by said physician

- for any portion of a period of disability during which you are receiving treatment by a therapist unless such treatment is recommended by a physician deemed appropriate by the insurer
- for any portion of a period of disability resulting from substance abuse, including alcoholism and drug addiction, unless you are participating in a recognized substance withdrawal program
- disabilities resulting from self-inflicted injuries or attempted suicide
- disabilities as a result of participation in a war, riot, insurrection or criminal act
- a disability resulting from an accident which occurs while you are operating a motor vehicle and the blood contains more than 80 milligrams of alcohol in 100 millilitres of blood (.08%)
- for the portion of a period of disability during which you are
  a) imprisoned in a penal institution; or
  b) confined in a hospital, or similar institution, as a result of criminal proceedings
- any period of disability, or portion thereof, during any leave of absence (including maternity leave) as defined in the General Provisions section of the booklet *Your Group Benefit Plan.*
- for a disability which commences on or after the date a strike or layoff begins, except as outlined in the Master Policy
- to an insured individual who refuses to participate in a rehabilitation program which is deemed appropriate by the insurer, the attending physician or on the advice of independent medical opinion

## Rehabilitative Employment

If you are disabled, the insurer may recommend that you undergo some suitable rehabilitative training program which would take into account the nature and limitations of your disability. Further details on this aspect will be provided in the event that you become disabled.

## Premium Cost

The cost of coverage under the plan is cost-shared on a 50-50 basis by the Government and the Member. The Member's premiums will be automatically deducted from their indemnity and allowances payments and salary payments, if applicable.

For further information, contact Jocelyn Scallion, Office of the Speaker, 424-4479.

# 9. Commonwealth Parliamentary Association

## Aims

The Commonwealth Parliamentary Association is an association formed for the promotion of knowledge and education about parliamentary systems in the democratic tradition, particularly those of the Commonwealth of Nations, but also those having close historical and parliamentary association with it.

The headquarters of the association are in London, England, and its affairs are administered by a permanent secretariat.

## Commonwealth Parliamentary Association Regions

The association is divided into a number of geographical regions of which Canada is one. The Canadian region is composed of 13 branches. These branches are the federal Parliament, the 10 provincial Legislative Assemblies, and three territorial Legislative Assemblies.

## Annual Regional Conference

Annual conferences of the Canadian region are held in a different province each year, usually in the late summer, and delegates from the Nova Scotia branch are named to attend.

## Nova Scotia Branch

The Nova Scotia Branch of the association is made up of the Members of the House of Assembly, with the Speaker as President. The branch normally meets at least once per year at the call of the Speaker.

## Procedural Seminars

Once during each year, usually in the late fall or early winter, the Canadian region of the Commonwealth Parliamentary Association holds a procedural seminar, customarily although not always in Ottawa. Delegates from the Nova Scotia Branch are named to attend this seminar.

## Commonwealth Parliamentary Association Annual General Conference

Once a year, delegates from all branches of the CPA assemble in a general conference in a Commonwealth country. The purpose of this conference is to discuss parliamentary matters and developments of mutual interest and to review subjects of immediate concern to nations, of both the Commonwealth and the world community.

## Funding

In its annual estimates, the Legislative Assembly of Nova Scotia votes a sum of money sufficient to provide a grant to the Commonwealth Parliamentary Association General Council and to finance the operations of the Canadian Region and Nova Scotia Branch.

## Interprovincial Visits

It is the policy of all branches of the Canadian region to encourage interprovincial visits, and the Nova Scotia branch subscribes to this policy by both receiving visits from and making visits to other branches. Individual members of the branch are also encouraged to make personal visits to any branch within the Canadian region of the Commonwealth Parliamentary Association when travelling.

## Publications

The following publications are issued by the Commonwealth Parliamentary Association and the Canadian region of the association respectively, and each member of the Nova Scotia branch is entitled to receive a copy of each of these publications:

*The Parliamentarian*—A quarterly periodical containing articles and book reviews on matters of parliamentary interest by writers from throughout the Commonwealth.

*The Canadian Parliamentary Review*—A publication founded in 1978 to inform Canadian legislators about activities of the federal, provincial, and territorial branches of the Canadian Region of the Commonwealth Parliamentary Association.

## Atlantic Provinces Commonwealth Parliamentary Association

Each year a meeting is held with Newfoundland, New Brunswick, and Prince Edward Island to discuss matters of particular interest to the Atlantic Provinces.

## CPA Ties, Scarves, and Lapel Pins

These items are available from the Secretary of the Nova Scotia Branch (the Clerk) or from the Speaker's Office.

# 10. Services to Members

## Legislative Pages

Approximately 20 university students are employed while the House is in Session. Staff are available to distribute papers, carry messages, and do routine errands for Members.

## Mail and Messages

Each Member is assigned a mailbox in the reception area on the second floor of Province House for use when the House is in Session. Items that are not handed directly to the Member are always placed in the box and delivered upon arrival.

## Telephone and Fax Numbers

Members may be contacted by telephone while the House is sitting at 424-4661. Faxes may be received or sent from Province House (Operations Office) at 424-0574.

Long distance calls are restricted to the 902 (Nova Scotia) and 613/819 (Ottawa/Hull) area codes.

Telephone directories for Nova Scotia are available at the reception desk.

## Members Lounge

Members may obtain coffee, tea, soft drinks, etc., as well as light lunches and daily specials in the lounge (at reasonable prices) beginning approximately one hour before and during each day's sitting.

## Parking

Parking space is available to the Members in the Province House lot year-round. While the House is sitting and from time to time, space is at a premium. Registration and enforcement of parking are handled by security personnel.

## Tours

Tours of Province House are available year-round during regular business hours and while the House is sitting. Groups should be booked in advance.

Summer hours (July and August only):
Monday to Friday, 9:00 am–5:00 pm;
Saturday, Sunday, and holidays, 10:00 am–4:00 pm.

For bookings, call Peter Theriault, 424-5982.

## Room Bookings—Province House

A limited number of rooms are available to Members for meetings, press briefings, or any such official business.

For information on bookings and services, call Peter Theriault, 424-5982.

## Stationery

Members are entitled to reasonable amounts of letterhead, executive notepaper, and envelopes for use in the constituency.

Stationery can be ordered by calling House of Assembly Operations at 424-5980 or 424-5982.

## Information Booklets

Publications available in reasonable quantities for free distribution include

- *Province House* (available in English and French)
- *Symbols of Nova Scotia* (bilingual).
- *House of Assembly Seating Plan* (English and French)

# APPENDICES

**Appendix A: Conflict of Interest**
Obligations of MLAs, Ministers, and Leaders
Disclosure Guidelines
Members and Public Employees Disclosure Act

**Appendix B: House of Assembly Act**

# Appendix A: Conflict of Interest

## Obligations of MLAs, Ministers, and Leaders

A Member of the House of Assembly, a Member of the Executive Council, a leader of a recognized party, whether or not the leader has been elected to the Assembly or appointed to the Executive Council, or a leader of a political party listed in the Schedule to the *Members and Public Employees Disclosure Act* is required to file disclosure statements pursuant to the act.

The attention of Members of the House of Assembly is drawn to certain provisions of the *House of Assembly Act*. Section 17 of the act sets forth certain matters that will result in a person's not being eligible for election to the House of Assembly. Section 18 of the act defines a conflict of interest that, by its very nature, results in a Member's ceasing to be eligible to be a Member of the House of Assembly. Section 19 of the act sets forth certain matters that will result in a disqualification of a Member as a Member of the House of Assembly. Section 20 of the act sets forth other matters that do not disqualify a person from being a Member of the House of Assembly. Section 24 of the act provides a monetary penalty for receiving a fee for promoting a bill.

The attention of Members of the Executive Council is drawn to Section 16 of the *Mineral Resources Act*, restricting a minister's right to acquire or hold a mineral right in the province.

Conflict of Interest Commissioner : Justice D. Merlin Nunn
Joseph Howe Building, 1690 Hollis Street, Granville Street Level,
PO Box 1617, Halifax, NS B3J 2Y3
Phone: 424-5345
Fax: 424-0632

## Disclosure Guidelines

## Part I of Members and Public Employees Disclosure Act

In these guidelines, "member" means a member of the House of Assembly, a member of the Executive Council, a leader of a recognized party whether or not the leader has been elected to the Assembly or appointed to the Executive Council and a leader of a political party listed in the Schedule to the *Members and Public Employees Disclosure Act*. As of July 11, 1991, the political parties listed in the Schedule are The Liberal Party of Nova Scotia, The Nova Scotia New Democratic Party and The Progressive Conservative Association of Nova Scotia.

### *Disclosure Statements to Be Filed*

Every member must file a disclosure statement on behalf of the member.

Every member who has a spouse within the meaning of the Members and Public Employees Disclosure Act or dependent children within the meaning of that Act must file a second disclosure statement on behalf of the member's spouse and dependent children. Only one statement is to be filed on behalf of both the spouse and all dependent children. The Act defines "dependent child" and "spouse" as follows:

> *"dependent child" means a child who is under the age of majority or, although over the age of majority, unable, by reason of illness, disability or other cause, to withdraw from the charge of the parents or provide himself with reasonable needs and includes a child twenty-four years of age or younger who is attending a post-secondary educational institution;*

*"spouse" means a person married to another person and, for the purpose of this Act, includes persons who, not being married to each other, live together as if spouses and have done so for at least one year.*

These statements are required to be filed with items 1 to 7 completed whether or not there is information to disclose under item 8. Where there is nothing to disclose under a heading in item 8, the word "none" or the letters "NA" (for "not applicable") should be marked in each case.

## Time of Filing

A person who was elected for the first time or re-elected to the House of Assembly on May 25, 1993, must file an initial disclosure statement or statements by July 8, 1993, and must file an annual disclosure statement or statements in June in each year thereafter as long as that person is a member.

If a person becomes a member after May 25, 1993, the member must file an initial disclosure statement or statements within 30 days of becoming a member and must file an annual disclosure statement or statements in June in each year thereafter (including the current year where the initial statement or statements are filed in the current year before June) as long as that person is a member. A person becomes a member of the House of Assembly upon being declared elected by the returning officer.

If a member marries or acquires a spouse within the meaning the *Members and Public Employees Disclosure Act*, a disclosure statement on behalf of the member's spouse and dependent children must be filed within 90 days.

The annual disclosure statement filed in June will meet the filing requirements of the *Members and Public Employees Disclosure Act* and the Members Disclosure Regulations respecting the initial disclosure

statement required upon becoming a member or upon marrying if the 30-day or the 90-day filing requirement, respectively, is met.

## Amended Disclosure Statements

A member must file an amended disclosure statement when the member or the member's spouse or dependent children acquire or dispose of an asset or liability that is required to be disclosed. The amended disclosure statement must be filed within 90 days of the acquisition or disposal.

The annual disclosure statement filed in June will meet the filing requirements of the *Members and Public Employees Disclosure Act* and the Members Disclosure Regulations respecting the amended disclosure statement if the 90-day filing requirement is met. Details respecting an asset acquired or liability assumed must be entered in the appropriate places on the statements notwithstanding that the same statement may show that asset transferred or liability settled. If a disclosure statement is serving as both an annual disclosure statement and an amended disclosure statement, both the annual statement and amended statement boxes on the first page of the disclosure statement should be marked.

## Content of Disclosure Statements

### *Office address*

A member of the Executive Council should give the member's departmental address. A member of the House of Assembly who is not a member of the Executive Council should give the member's constituency address.

### *Permanent residence address*

Permanent residence address means the member's home address, not, in the case of a member who lives outside metropolitan Halifax, the address in metropolitan Halifax where the member resides while the House of Assembly is in session.

### *Small Claims Court jurisdiction*

The Members and Public Employees Disclosure Act and the prescribed disclosure statements refer to "the maximum amount over which the Small Claims Court has jurisdiction." That amount is now $10,000.

### *"Immediate family"*

The *Members and Public Employees Disclosure Act* and the prescribed disclosure statements refer to "a member of the immediate family." The Act defines "immediate family" as follows:

> *"immediate family" means spouse, parent, child, brother, sister, grandparents and grandchildren.*

### *Completion of statement item 8(10)/8(9)*

Note that in item 8(10) in the disclosure statement on behalf of a member and in item 8(9) in the disclosure statement on behalf of the member's spouse and dependent children, the disclosure of payments from a recognized party or an electoral district association is required notwithstanding the disclosure of the payment by the official agent pursuant to Part II of the Members and Public Employees Disclosure Act. The Act defines "electoral district association" and "recognized party" as follows:

> *"electoral district association" means an electoral district association endorsed by the leader of a recognized party or by an independent member or candidate who is supported by the*

*association and includes a trust established for or a fund established to further the goals of such an association;*

*"recognized party" means a recognized party as defined in the Elections Act and includes a trust established for or a fund established to further the goals of such a party;*

# Members and Public Employees Disclosure Act

## CHAPTER 4 OF THE ACTS OF 1991

*as amended by*

1992, c. 38;
2000, c. 36

*Note: The version of this statute presented here is provided for your convenience and personal use only [and may not be copied for the purpose of resale in this or any other form.] Formatting of this version may differ from the official, printed version. Where accuracy is critical, please consult official sources.*

CHAPTER 4 OF THE ACTS OF 1991
amended 1992, c. 38; 2000, c. 36

# An Act to Regulate Conduct in Order to Avoid Conflict of Interest in Government by Members and Government Employees Through Full and Open Disclosure

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(The table of contents is not part of the statute)


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## Short title

1 This Act may be cited as the *Members and Public Employees Disclosure Act*. 1991, c. 4, s. 1.

## Purpose

2 The purpose of this Act is to ensure that

(a) members and public employees perform their official responsibilities in a manner that conserves and enhances public confidence and trust in government and prevents conflicts of interest from arising; and

(b) members and public employees do not take advantage of their official positions or of information obtained in the course of their official duties that is not generally available to the public. 1991, c. 4, s. 2.

## Interpretation of Act

3 In this Act,

(a) "department" means any department, board, commission, foundation, agency, association or other body of persons, whether incorporated or unincorporated, all the members of which, or all the members of the board of management or board of directors of which,

(i) are appointed by an Act of the Legislature or by order of the Governor in Council, or

(ii) if not so appointed, in the discharge of their duties are public officers or servants of Her Majesty in right of the Province, or for the proper discharge of their duties are, directly or indirectly, responsible to Her Majesty in right of the Province;

(b) "dependent child" means a child who is under the age of majority or, although over the age of majority, unable, by reason of illness, disability or other cause, to withdraw from the charge of the parents or provide himself with reasonable needs and includes a child twenty-four years of age or younger who is attending a post-secondary educational institution;

(c) "designated person" means a person designated pursuant to this Act;

(d) "electoral district association" means an electoral district association endorsed by the leader of a recognized party or by an independent member or candidate who is supported by the association and includes a trust established for or a fund established to further the goals of such an association;

(e) "individual or organization" means an individual, partnership, organization, or corporation, or subsidiary of a corporation, and, for greater certainty, includes a union;

(f) "member" means a member of the Assembly, including a member of the Executive Council, and includes the leader of a recognized party whether or not the leader has been elected to the Assembly or appointed to the Executive Council and the leader of a political party listed in the Schedule to this Act and, for the purpose of the Schedule, the designated person may add to the list in the Schedule the name of any party that, in the opinion of the designated person, has the avowed purpose of seeking election of its members to the Assembly;

(fa) "Ministerial Code of Conduct" means a code of conduct for members of the Executive Council adopted pursuant to Section 7A;

(g) "payment" includes remuneration, reimbursement for expenses, a loan, advance, deposit, contribution or, in the case of a gift, a gift in excess of two hundred and fifty dollars;

(h) "public employee" means a person employed by a department and includes a member of the board of directors or the board of management of a department;

(i) "recognized party" means a recognized party as defined in the *Elections Act* and includes a trust established for or a fund established to further the goals of such a party;

(j) "spouse" means a person married to another person and, for the purpose of this Act, includes persons who, not being married to each other, live together as if spouses and have done so for at least one year. 1991, c. 4, s. 3; 2000, c. 36, s. 1.

## PART I
## MEMBERS

### Application of Part

4 This Part applies to a member, a member's spouse and dependent children. 1991, c. 4, s. 4.

### Disclosure statements

5 (1) Every member shall file in accordance with this Part with the designated person

(a) a disclosure statement on behalf of the member; and

(b) a second disclosure statement on behalf of the member's spouse and dependent children.

(2) Within thirty days of the coming into force of this Part or the person becoming a member, whichever is the later, a member shall file the disclosure statements and in each and every year thereafter the member shall file the disclosure statements during the month of June.

(3) Where at any time after a disclosure statement is filed, a member or the member's spouse or dependent children acquires or disposes of an asset that is required to be disclosed pursuant to this Part, the member shall file an amended disclosure statement within ninety days after acquisition or disposition of that asset.

(4) A person may only examine the disclosure statement filed on behalf of a member and that examination may only take place during regular office hours.

(5) A person who examines a member's disclosure statement pursuant to this Section may obtain a copy of that statement upon payment of the prescribed fee. 1991, c. 4, s. 5.

### Contents of disclosure statement

6 (1) The appropriate disclosure statement shall disclose

(a) the name of every individual or organization that in any manner whatsoever remunerates or contributes to the member or

the member's spouse or dependent children and includes any reimbursement for expenses made to any of them;

(b) the issuer or name of any bonds, debentures, holdings in investment funds, mutual funds, investment trusts or similar securities of a member or the members' spouse or dependent children, except Canada Savings Bonds or other investments or securities of fixed value issued or guaranteed by any level of government in Canada or an agency of a government in Canada, registered retirement savings plans that are not self-directed, open-ended mutual funds, guaranteed investment certificates or any similar financial instruments, annuities and life insurance policies and pension rights;

(c) the nature and location of any interest of the member in or with respect to real property, whether situate within or without the Province, including the nature and location of any interest of the member's spouse or dependent children in or with respect to real property except any interest of the member, the member's spouse or dependent children in or with respect to real property, whether situate within or without the Province, that is used by the member, the member's spouse or dependent children for residential or recreational purposes;

(d) unless excluded pursuant to clause (b), the name of every corporation, or subsidiary of a corporation, in which the member or the member's spouse or dependent children hold a beneficial interest, a share warrant or purchase option;

(e) the nature of any interest of a member in property referred to in clauses (b), (c) and (d) and over which the member or the member's spouse or dependent children have a general power of appointment or an expectancy under a trust;

(f) any trust established for the member or the member's spouse or dependent children, or any trust from which a payment is made to the member or the member's spouse or dependent children and the names of the trustees and the contributors to any such trust, other than a trust established by the member or the member's spouse for the member's dependent children;

(g) the name of every individual or organization to which the member or the member's spouse or dependent children are financially indebted, except a debt that is

(i) a current and ordinary household and personal living expense of the member or the member's spouse or dependent children,

(ii) in respect of an automobile, a boat used for recreational purposes or recreational vehicles of a member or the member's spouse or dependent children,

(iii) money or other property entrusted to or received by a member or the member's spouse or dependent children in trust for a person other than the member or the member's spouse or dependent children,

(iv) in respect of an interest of the member or the member's spouse or dependent children that is not required, pursuant to clauses (b) and (c), to be disclosed, or

(v) a debt less than the maximum amount over which the Small Claims Court has jurisdiction;

(h) the name of every individual or organization that is financially indebted to the member or the member's spouse or dependent children in an amount in excess of the maximum amount over which the Small Claims Court has jurisdiction;

(i) the name of every individual or organization to which a member or the member's spouse or dependent children transfers a disclosed asset or settles a disclosed liability;

(j) all payments received by a member or the member's spouse or dependent children from a recognized party or an electoral district association;

(k) a gift of a value in excess of two hundred and fifty dollars received by the member or the member's spouse or dependent children other than a gift to a member or a member's spouse or dependent children by any one of them to each other or a gift from a member of the immediate family.

(2) Notwithstanding subsection (1), no member, member's spouse or dependent child is required to disclose in the disclosure

statement assets and financial interests having a value of less than the maximum amount over which the Small Claims Court has jurisdiction.

(3) Notwithstanding subsection (1), a member is not required to disclose in a disclosure statement

(a) a debt owed by the member to the member's spouse or dependent children or a member of the member's immediate family; and

(b) a debt owed to the member by the member's spouse or dependent children or by a member of the member's immediate family.

(4) In this Section, "immediate family" means spouse, parent, child, brother, sister, grandparents and grandchildren.

(5) Nothing in this Part affects Sections 28 and 30 [18 and 20] of the House of Assembly Act and where the member's spouse or dependent children have a contract or agreement with the Government of Nova Scotia or with any minister or department thereof the contract or agreement shall be disclosed by the member unless the contract or agreement has been awarded by open public tender.

(6) For the purpose of subsection (5), "member" in Sections 28 and 30 [18 and 20] of the *House of Assembly Act* includes a member of the Executive Council.

(7) Nothing in this Part affects Section 27 or 29 [17 and 19] of the House of Assembly Act respecting the disqualification of a member or the vacating of a member's seat.

(8) In this Section, a subsidiary corporation means a subsidiary corporation as defined in the Income Tax Act (Canada) and includes affiliated corporations as defined in that Act. 1991, c. 4, s. 6; 1992, c. 38, s. 1.

## Conflict of interest

7 (1) It is a conflict of interest for a member to act contrary to this Act.

(2) No member shall use information acquired in the

execution of the office of the member that is not available to the general public in order to obtain a personal benefit or provide such information to another person in order for that person to obtain a personal benefit.

(3) Where a member is at a meeting at which consideration of a decision arises in the execution of the office of the member and where the member knows or ought to know that the decision could result in the member receiving a personal benefit, the member shall

(a) inform the meeting that the decision could result in a personal benefit to the member and the general nature of that benefit;

(b) withdraw from the meeting; and

(c) refrain from participating in or influencing the decision.

(4) In this Section, "personal benefit" does not include a benefit that

(a) is of general public application;

(b) affects a member as one of a broad class of persons;

(c) concerns the remuneration, allowances and benefits of a member as a member;

(d) is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. 1991, c. 4, s. 7.

## PART IA
## MINISTERIAL CODE OF CONDUCT

### Adoption and effective date

7A (1) The Governor in Council may adopt a code of conduct for members of the Executive Council.

(2) The Ministerial Code of Conduct and any amendment to the Ministerial Code of Conduct take effect when the code or the amendment is tabled in the House of Assembly.

(3) The ministerial code of conduct tabled in the House of Assembly by the Premier on November 18, 1999, is the Ministerial

Code of Conduct until it is amended or replaced by the Governor in Council pursuant to this Section. 2000, c. 36, s. 2.

## PART II
## POLITICAL CONTRIBUTIONS

### Interpretation of Part

**8** In this Part,

(a) "candidate" means a candidate as defined in the *Elections Act*;

(b) "contributions" means services, money or other property donated to a recognized party, an electoral district association or a person to support the political purposes of a recognized party, electoral district association or candidate, but does not include personal services or the use of a vehicle volunteered by a person and not provided as part of that person's work in the service of an employer;

(c) "designated person" means a designated person as defined in this Act or, where the leaders of all recognized parties consent to the appointment, the Chief Electoral Officer. 1991, c. 4, s. 8.

### Official agent

**9** Every candidate, electoral district association and recognized party shall appoint a person to act as official agent. 1991, c. 4, s. 9.

### Contributions only to official agent

**10** Contributions to a candidate, electoral district association or recognized party shall be made only to the official agent. 1991, c. 4, s. 10.

### Duty to record information

**11** The official agent shall record the full name and residential or business address, other than a post office box unless that is the only address available, of each contributor together with the amount of the contribution. 1991, c. 4, s. 11.

## Prohibition on anonymous contributions

12 An official agent shall not accept an anonymous contribution in any amount and, if any anonymous contribution cannot be returned to the contributor, it shall be remitted to the designated person who shall transmit it to the Minister of Finance. 1991, c. 4, s. 12.

## Identification of actual contributor

13 No individual or organization shall contribute to any recognized party, electoral district association or candidate funds not beneficially belonging to the individual or organization or funds that have been given or furnished to that individual or organization by another individual or organization for the purpose of contributing those funds unless the individual or organization to whom the funds beneficially belong is identified as the contributor or unless the individual contributing the funds is the spouse of the person to whom the funds beneficially belong. 1991, c. 4, s. 13.

## Annual disclosure by official agent

14 On or before the thirty-first day of March in each year, every official agent of a candidate, electoral district association and recognized party shall file with a designated person a disclosure statement showing the full name and residential or business address, other than a post office box unless that is the only address available, of each contributor whose contributions received by that official agent during the previous calendar year exceed fifty dollars in total and the amount of the total contributions by that contributor. 1991, c. 4, s. 14.

## Application of Part

15 This Part applies to all contributions made to a candidate, electoral district association or recognized party after the coming into force of this Act. 1991, c. 4, s. 15.

## Disclosure of names of contributors

15A (1) Where a trust or fund is established to further the goals of a candidate, electoral district association or recognized party and the trust or fund is not controlled by a recognized party, electoral district association or candidate, the names of contributors to the trust or fund shall be disclosed when a transfer is made from the trust or fund to any one or more of a recognized party, electoral district association or candidate.

(2) Subsection (1) applies to a transfer ~~or fund~~ made after the coming into force of this Section from a trust [or fund] regardless of when the contributors paid money into the trust or fund. 1992, c. 38, s. 2.

## Value of contribution

16 Where a contribution or gift of goods or services is made to a candidate, electoral district association or recognized party for the purpose of sale or auction, the value of the contribution for the purpose of this Part is the dollar value at which those goods or services are sold or auctioned. 1991, c. 4, s. 16.

## Disclosure of payment by official agent

17 Where an electoral district association or a recognized party makes a payment to a member or the member's spouse or dependent children, the official agent of the association or party shall file a disclosure statement with the designated person indicating the name of the member or the member's spouse or dependent children and the amount of the payment, and the filing of the disclosure statement shall be not later than the last day of the month following the month during which the payment was made. 1991, c. 4, s. 17.

## Access to disclosure statement

18 Any person may examine a disclosure statement respecting contributions to a candidate, electoral district association or recognized party or respecting a payment to a member or the member's spouse or dependent children. 1991, c. 4, s. 18.

## Time of access to disclosure statement

19 Disclosure statements shall be available for examination at any time during regular office hours of the designated person. 1991, c. 4, s. 19.

## Copy of disclosure statement

20 A person who examines a disclosure statement pursuant to this Part may obtain a copy of that statement upon payment of the prescribed fee. 1991, c. 4, s. 20.

## Regulations

21 (1) The Governor in Council may make regulations respecting

(a) the registration of electoral district associations;

(b) the appointment of official agents;

(c) duties of official agents;

(d) how contributions of money can be made;

(e) records to be maintained of money accepted as contributions;

(f) the maintaining and use of accounts in financial institutions;

(g) transfers of funds between candidates, electoral district associations and recognized parties;

(h) audits of records of contributions to candidates, electoral district associations and recognized parties;

(i) payment of auditors appointed in accordance with the regulations;

(j) disposition of contributions made in contravention of this Act or contributions from anonymous sources.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. 1991, c. 4, s. 21.

## PART III
## PUBLIC EMPLOYEES

### Application of Part

22 This Part applies to public employees. 1991, c. 4, s. 22.

### Conflict of interest

23 (1) It is a conflict of interest for a public employee to act contrary to this Section.

(2) No public employee shall use information acquired in the execution of the office of the public employee that is not available to the general public in order to obtain a personal benefit.

(3) Where a public employee is at a meeting at which consideration of a decision arises in the execution of the office of the public employee and where the public employee knows or ought to know that the decision could result in the public employee receiving a personal benefit, the public employee shall

(a) inform the meeting that the decision could result in a personal benefit to the public employee and the general nature of that benefit;

(b) withdraw from the meeting; and

(c) refrain from participating in or influencing the decision.

(4) In this Section, "personal benefit" does not include a benefit that

(a) is of general public application;

(b) affects a public employee as one of a broad class of persons;

(c) concerns the remuneration, allowances and benefits of a public employee;

(d) is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the public employee. 1991, c. 4, s. 23.

## PART IV
## POST-SERVICE RESTRICTIONS

### Restriction on activity

**24** No person who was a member or public employee shall, within six months of ceasing to be a member or public employee, act for or on behalf of any person or entity in connection with any proceeding, transaction, negotiation or case to which a department is a party, if the former member or public employee acted for or advised the department in connection therewith while holding either such office or employment and if the matter might result in the conferring on a person of a benefit of a purely commercial or private nature or of any other nature on a person or class of persons that is other than the general public or a broad class. 1991, c. 4, s. 24.

### Restriction on contract or benefit

**25** The Executive Council or a minister or an officer or employee of a department shall not knowingly award to or approve a contract with, or grant a benefit to, a person who was a member or public employee, or to a corporation or other entity controlled by such a person or of which such a person is an employee, director or partner, in circumstances where acceptance of the contract or benefit would constitute a contravention of Section 24 unless the designated person has specifically authorized such award or contract or benefit. 1991, c. 4, s. 25.

### Application of Sections 24 and 25

**25 A** Sections 24 and 25 do not apply in respect of a former public employee who is laid off by a department. 1992, c. 38, s. 3.

## PART V
## GENERAL

### Designated person

**26** The Governor in Council in consultation with the Chief Justice of the Supreme Court of Nova Scotia shall designate a judge of the Supreme Court of Nova Scotia or a retired or supernumerary judge of the Supreme Court to be the designated person for the purpose of this Act. 1991, c. 4, s. 26; 2000, c. 36, s. 5.

### Public Inquiries Act

**27** For the purposes of exercising jurisdiction pursuant to this Act, the designated person has all the powers, privileges and immunities of a commissioner appointed pursuant to the Public Inquiries Act and the designated person may establish rules of procedure for the purpose of this Act. 1991, c. 4, s. 27.

### Title of designated person

**27 A (1)** The designated person for the purpose of this Act shall be known as the "Conflict of Interest Commissioner".

**(2)** Subsection (1) does not apply to the Chief Electoral Officer where the Chief Electoral Officer is the designated person for the purpose of Part II. 1992, c. 38, s. 4.

### Request for opinion and recommendations

**27 B(1)** A member or public employee may, by application in writing, request that the designated person give an opinion and recommendations on any matter respecting the member or public employee pursuant to this Act.

**(2)** The designated person may make such inquiries as the designated person considers appropriate and provide the member or public employee with a written opinion and recommendations.

**(3)** The opinion and recommendations of the designated person are confidential, but may be released by the member or

public employee or with the consent of the member or public employee in writing.

(4) A member or public employee who acts on the opinion and recommendations given by the designated person pursuant to this Section is and is deemed not to be in contravention of this Act with respect to the matters dealt with in the opinion and recommendation. 1992, c. 38, s. 4.

## Inquiry by designated person

28 (1) Upon the application of a person who states under oath that that person has reasonable and probable grounds to believe a member, an electoral district association, recognized party or public employee is in contravention of this Act or the regulations and who produces sufficient evidence in support of the allegation to satisfy the designated person that there is a reasonable probability that the contravention has occurred, the designated person shall inquire into the allegation.

(2) The designated person may inquire into a possible contravention of the Act or the regulations where evidence of an essential element of the possible contravention can be found in information disclosed to the designated person but which is not available to be examined by the public pursuant to this Act.

(2A) The designated person shall inquire into a complaint or answer a question referred to the designated person pursuant to the Ministerial Code of Conduct.

(3) The designated person may engage the services of any person necessary to assist with the duties of the designated person pursuant to this Section.

(4) The designated person has jurisdiction to inquire into actions or omissions by a former member or former public employee if the application or inquiry by the designated person commences within two years after the former member or former public employee ceased to be a member or public employee.

(5) Subsection (4) applies to a member or public employee who ceases to be a member or public employee after the coming

into force of subsection (4). 1991, c. 4, s. 28; 1992, c. 38, s. 5; 2000, c. 36, s. 3.

## Powers of designated person

29 (1) Where the designated person conducts an inquiry pursuant to this Act, the designated person may

(a) determine that there has been no contravention of this Act, the regulations or the Ministerial Code of Conduct;

(b) determine that there has been a contravention of this Act, the regulations or the Ministerial Code of Conduct and direct the member, electoral district association, recognized party or public employee to, where applicable,

(i) file or amend a disclosure statement within the time ~~prescibed~~ [prescribed] by the order,

(ii) discontinue association with a contract or agreement in which the member is prohibited from participating,

(iii) return any gain realized in respect of promoting a bill, resolution, matter or thing submitted or intended to be submitted to the House of Assembly, a committee of the House of Assembly, the Executive Council or a committee of the Executive Council,

(iv) return any personal benefit improperly obtained by the member,

(v) cease any contravention of the Ministerial Code of Conduct;

(c) refer the matter to the Supreme Court of Nova Scotia for a determination;

(d) fine the person or electoral district association or recognized party that contravened this Act, the regulations or the Ministerial Code of Conduct in an amount not exceeding ten thousand dollars; or

(e) fine an officer of an electoral district association or recognized party who directed, authorized, assented to, acquiesced in or participated in the contravention of this Act or the regulations in an amount not exceeding ten thousand dollars.

(2) A copy of the decision of the designated person at an inquiry shall be filed with the Prothonotary at Halifax and, where the inquiry is with respect to the Ministerial Code of Conduct, shall also be delivered to the President of the Executive Council.

(3) A member, electoral district association, recognized party or public employee who has been ordered to comply with the requirement referred to in clause (b) of subsection (1) shall file or amend the disclosure statement.

(4) The designated person may refer to the Supreme Court of Nova Scotia the failure of a member, electoral district association, recognized party or public employee to comply with the requirement referred to in clause (b) of subsection (1) or with subsection (3).

(5) Where the designated person refers a matter to the Supreme Court of Nova Scotia,

(a) the designated person shall

(i) instruct counsel to commence an application in the Supreme Court of Nova Scotia, and

(ii) determine the parties to the application, and where the designated person determines that an electoral district association or recognized party is a party, the designated person may determine what officers of the electoral district association or recognized party are parties to the application;

(b) the designated person shall take no further part in the proceedings, as a witness or otherwise; and

(c) the judge of the Supreme Court of Nova Scotia dealing with the application shall

(i) hear the evidence and argument presented by the parties, and

(ii) determine on the basis of the evidence presented whether a contravention of this Act, the regulations or the Ministerial Code of Conduct or a direction of the designated person has occurred.

(6) Where the judge of the Supreme Court of Nova Scotia determines that a contravention of this Act, the regulations or the

Ministerial Code of Conduct or a direction of the designated person has occurred, the judge may

(a) order the filing or amendment of a disclosure statement;

(b) order a member or public employee to discontinue association with a contract or agreement in which the member or public employee is prohibited from participating;

(c) order a person to return any gain realized in respect of promoting a bill, resolution, matter or thing submitted or intended to be submitted to the Assembly, a committee of the Assembly, the Executive Council or a committee of the Executive Council;

(d) order a member or public employee to return any personal benefit improperly obtained by the member or public employee;

(e) fine the person or electoral district association or recognized party that contravened this Act, the regulations or the Ministerial Code of Conduct or a direction of the designated person in an amount not exceeding ten thousand dollars;

(f) fine an officer of an electoral district association or recognized party who directed, authorized, assented to, acquiesced in or participated in the contravention of this Act or the regulations or a direction of the designated person in an amount not exceeding ten thousand dollars;

(g) suspend a member or public employee on such terms and conditions as the judge prescribes;

(h) declare that a member ceases to be a member of the Executive Council; or

(i) declare vacant the seat of a member,

or any combination thereof.

**(7)** Where the judge declares vacant the seat of a member, the seat of that member is and is deemed to be vacant upon the expiration of thirty days from the making of the order or upon the determination of any appeal of the matter, whichever is later, and the seat remains vacant until an election is held in the electoral district of the member. 1991, c. 4, s. 29; 2000, c. 36, ss. 4, 5.

## Appeal

30 (1) A finding, direction, determination or order of the designated person or a judge made pursuant to Section 29 may be appealed to the Nova Scotia Court of Appeal by the person affected within thirty days of the making of the finding, direction, determination or order.

(2) In subsection (1), "person affected" includes the person who initiated the request for an inquiry.

(3) Where an appeal has been filed as provided by law, a judge of the Nova Scotia Court of Appeal may, upon application by the person appealing, stay the order from which the appeal has been taken pending the determination of the appeal. 1991, c. 4, s. 30; 2000, c. 36, s. 5.

## Frivolous or vexatious allegation

31 Where the designated person determines that an allegation of a contravention of this Act is frivolous or vexatious, the designated person shall dismiss the matter and may order the person who made the allegation to pay costs or damages, or both, to the member, electoral district association, recognized party or public employee, including reimbursement of the actual expenses of the member, electoral district association, recognized party or public employee incurred in responding to the allegation, and grant such other relief as the designated person may determine. 1991, c. 4, s. 31.

## Regulations

32 (1) The Governor in Council may make regulations

(a) prescribing forms to be used for the purpose of this Act;

(b) prescribing fees for the purpose of this Act;

(c) defining any word or expression used and not defined in this Act;

(d) respecting any matter necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) shall be regulations within the meaning of the *Regulations Act*. 1991, c. 4, s. 32.

## PART VI
## ELECTION COMMISSION

### Elections Act amended

33 *amendment of the* Elections Act. 1991, c. 4, s. 33.

## PART VII
## CONFLICT OF INTEREST ACT

### Conflict of Interest Act repealed

34 Chapter 86 of the Revised Statutes, 1989, the *Conflict of Interest Act*, is repealed. 1991, c. 4, s. 34.

### Transitional provision

35 Proceedings before the designated judge in respect of matters to which the provisions of said Chapter 86 repealed by this Act apply shall be continued in conformity with the provisions of this Act as far as consistently may be. 1991, c. 4, s. 35.

## PART VIII
## EFFECTIVE DATE

### Effective date

36 This Act comes into force upon Royal Assent or upon the thirtieth day of June, 1991, whichever is later. 1991, c. 4, s. 36.

## SCHEDULE

### POLITICAL PARTY

The Liberal Party of Nova Scotia

The Nova Scotia New Democratic Party

The Progressive Conservative Association of Nova Scotia

1991, c. 4, Sch.

# Appendix B: House of Assembly Act

## CHAPTER 1 (1992 SUPPLEMENT) OF THE REVISED STATUTES, 1989

amended 1993, c. 50; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 1994 noted; 1994–95, c. 20; 1997 (2nd Sess.), c. 6, s. 4; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 1999; 1999, c. 10; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 2000; 2001, c. 16; 2001, c. 47; 2002, c. 33; 2002, c. 34, ss. 1–4

***Note:*** *The version of this statute presented here is provided for your convenience and personal use only [and may not be copied for the purpose of resale in this or any other form.] Formatting of this version may differ from the official, printed version. Where accuracy is critical, please consult official sources.*

# CHAPTER 1 (1992 SUPPLEMENT) OF THE REVISED STATUTES, 1989

amended 1993, c. 50; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 1994 noted; 1994–95, c. 20; 1997 (2nd Sess.), c. 6, s. 4; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 1999; 1999, c. 10; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 2000; 2001, c. 16; 2001, c. 47; 2002, c. 33; 2002, c. 34, ss. 1–4

## An Act Respecting the Constitution, Powers and Privileges of the House of Assembly

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**Short title**

1 This Act may be cited as the *House of Assembly Act*.

R.S. (1992 Supp.), c. 1, s. 1.

## INTERPRETATION

**Interpretation**

2 (1) In this Act,

(a) "committee" means any standing, special or select committee of the House;

(b) "House" means the House of Assembly;

(c) "leader of a recognized party" means the

leader in the House of a party represented by two or more members, other than the Premier or the Leader of the Opposition, whose party was a recognized party in accordance with the *Elections Act* and had candidates standing for election for three quarters of the seats of members in the House and whose party received ten per cent or more of the votes officially recorded in the latest general election of members of the House;

(d) "municipal district" means a polling district as defined in the *Municipal Act*;

(e) "outside member" means a member of the House who is ordinarily resident within the meaning of the *Elections Act* more than twenty-five miles distant from the place where the House ordinarily sits;

(f) "Speaker" means the Speaker of the House.

(2) In this Act, description references to streets, roads, rights-of-way, water features or railways signifies the centre line of the streets, roads, rights-of-way, water features or railways unless otherwise described or stated. R.S. (1992 Supp.), c. 1, s. 2.

### Division of Act

3 It is expressly declared that the division of this Act into Parts is for convenience only. R.S. (1992 Supp.), c. 1, s. 3.

## PART I
## CONSTITUTION OF THE HOUSE OF ASSEMBLY

### Composition of House of Assembly

4 The House shall be composed of fifty-two members, of whom one shall be elected from each of the fifty-two electoral districts named and described as follows:

(a) **Annapolis**, consisting of, in the County of Annapolis,

(i) the Towns of Annapolis Royal, Bridgetown and Middleton,

(ii) in the Municipality of the County of Annapolis, Municipal Districts 1, 2, 3, 4, 5, 9, 10, 11 and 12, and

(iii) in the Municipality of the County of Annapolis, that part of Municipal District 8 lying north and east of a line described as follows: starting at the point where Allains Creek meets the northern boundary of Municipal District 8; then southeast and south along Allains Creek and Allains River to the point due west of the intersection of Highway 8 and Highway 101; then due east in a straight line to the intersection of Highway 8 and Highway 101; then southeast in a straight line to the point where South Brook flows out of Keenan Lake; then east in a straight line to the point where Ten Mile Brook flows out of Dargie Lake; then east along the southern shore of Dargie Lake to the eastern boundary of Municipal District 8;

(b) **Antigonish**, consisting of

(i) the County of Antigonish, including Pomquet and Afton Reserve (23),

and, in the County of Guysborough,

(ii) that part of the County in the Municipality of the County of Antigonish;

(c) **Argyle**, consisting of, in the County of Yarmouth,

the Municipality of the District of Argyle;

(d) **Bedford**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting at the shore of Bedford Basin (Sherwood Point); then southwest along a line to the intersection of Crest Road and Tremont Drive; then southwest along a line to the intersection of Farnham Gate Road and Dunbrack Street; then southwest along a line running parallel to and excluding Farnham Gate Road to a point east of Scotch Pine Terrace; then northwest along a line running parallel to Edward Laurie Drive to a point approximately 750 m south of the Kearney Lake Road and Dunbrack Street interchange on Highway 102; then southwest along a line passing through the southern portion of Washmill Lake to the southern shore of Ash Lake; then north along Ash Lake to the northern shore of Ash Lake; then northeast along a straight line passing through the northern shore of Charlies Lake and across Kearney Lake to a point on the Kearney Lake Road approximately 1.7 km northwest of the Kearney Lake Road and Highway 102 interchange; then northeast along a straight line to a point on Highway 102 approximately 1.8 km north and northwest of the Kearney Lake Road and Highway 102 interchange; then northwest along Highway 102 approximately 2.1 km; then west along a straight line to a point on Bluewater Road approximately 140 m north of the intersection of Kearney Lake Road; then northwest along a straight line to a point on Hammonds Plains Road approximately 335 m east of the intersection of Kearney Lake Road; then northeast along a straight line passing approximately 345 m west of Marsh Lake to the Sackville River; then southeast along the various courses of the Sackville River and Little Sackville River to Highway 101; then southeast along Highway 101 to the Highway 102 interchange; then northeast along Highway 102 to Sucker Brook; then northeast along Sucker Brook to Rocky Lake; then east along the shore of Rocky Lake passing through the Canadian National Railway causeway to Rocky Lake Road; then southwest along Rocky Lake Road approximately 3.1 km to the Bedford Bypass; then southeast along the Bedford Bypass and Windmill Road to Wright Brook; then southwest along Wright Brook to the shore of Bedford Basin; then southwest across Bedford Basin to the shore of Bedford Basin (Sherwood Point);

(e) **Cape Breton Centre**, consisting of, in the County of Cape Breton,

that part of Cape Breton Regional Municipality bounded by a line described as follows: starting where Gardiner Road meets the Devco Railway line (Glace Bay Branch); then southwest along the Devco Railway line (Glace Bay Branch) to Northwest Brook; then north along Northwest Brook to the Devco Railway line (New Waterford Branch); then northwest along the Devco Railway line (New Waterford Branch) to a line projecting from the northern shore of Kilkenny Lake; then northwest along a line running parallel to and including both sides of Kilkenny Lake Road to the shore of Sydney Harbour; then north along Sydney Harbour to the Atlantic Ocean; then east along the shore of the Atlantic Ocean to the former Town of Glace Bay western boundary; then southwest along the former Town of Glace Bay western boundary to Renwick Brook; then northwest and southwest along Renwick Brook to the eastern boundary of Sydney Airport; then south, west and north along the various courses of the Sydney Airport boundary to a point approximately 550 m south of Grand Lake Road; then southwest along a straight line to a line projecting southeast from the intersection of Evergreen Drive and Gardiner Road; then northwest along the said projected line running parallel to and excluding Evergreen Drive to the intersection of Grand Lake Road and Gardiner Road; then northeast along Gardiner Road to the Devco Railway line (Glace Bay Branch);

(f) **Cape Breton North**, consisting of, in the County of Cape Breton,

that part of Cape Breton Regional Municipality bounded by a line described as follows: starting at a point where Highway 125 meets the North West Arm of Sydney Harbour (Balls Creek); then north and northeast along Highway 125 to the Trans Canada Highway interchange; then northwest along the Trans Canada Highway to Prince Mine Road; then north and northwest along Prince Mine Road to the intersection of Sherrie Lee Lane and Mill Pond Road; then southwest along Mill Pond Road to Mill Pond; then west along Mill Pond to the Victoria County and Cape Breton County boundary (Aconi Brook); then north along the Victoria County and Cape Breton County boundary (Aconi Brook) to the Atlantic Ocean; then east along the shore of the Atlantic Ocean to the mouth of Sydney Harbour; then southwest along the shore of Sydney Harbour and North West Arm of Sydney Harbour (Balls Creek) to Highway 125;

(g) **Cape Breton Nova**, consisting of, in the County of Cape Breton,

(i) that part of Cape Breton Regional Municipality bounded by a line described as follows: starting where the South Arm of Sydney Harbour meets Muggah Creek; then southeast along Muggah Creek to Ferry Street; then northeast along Ferry Street to Inglis Street; then south along Inglis Street to Prince Street; then northeast along Prince Street to Townsend Street; then southwest along Townsend Street to High Street; then southeast along High Street to Whitney Avenue; then southwest along Whitney Avenue to Hospital Street; then southeast along Hospital Street to a point east of Cabot Street; then southwest along a line running parallel to and excluding Cabot Street to Wash Brook; then east along the various courses of Wash Brook to Highway 125; then northeast along Highway 125, approximately 1.5

km to a point east of Cossitt Lake; then east and northeast along a line running approximately 430 m north of O'Neil Lake and parallel to and including both sides of Devon Avenue to a line projecting southeast from the intersection of Evergreen Drive and Gardiner Road; then northwest along the said projected line running parallel to and including Evergreen Drive to Gardiner Road; then northeast along Gardiner Road to the Devco Railway line (Glace Bay Branch); then southwest along the Devco Railway line (Glace Bay Branch) to Northwest Brook; then north along Northwest Brook to the Devco Railway Line (New Waterford Branch); then northwest along the Devco Railway Line (New Waterford Branch) to a line projecting from the northern shore of Kilkenny Lake; then northwest along a line running parallel to and excluding Kilkenny Lake Road to the shore of Sydney Harbour; then south along Sydney Harbour and the South Arm of Sydney Harbour to Muggah Creek, and

(ii) Sydney Reserve (28A);

(h) **Cape Breton South**, consisting of, in the County of Cape Breton,

(i) that part of Cape Breton Regional Municipality bounded by a line described as follows: starting at a point where Highway 125 meets the North West Arm of Sydney Harbour (Balls Creek); then northeast along the North West Arm of Sydney Harbour to the South Arm of Sydney Harbour; then south along the South Arm of Sydney Harbour to Muggah Creek; then southeast along Muggah Creek to Ferry Street; then northeast along Ferry Street to Inglis Street; then south along Inglis Street to Prince Street; then northeast along Prince Street to Townsend Street; then southwest along Townsend Street to High Street; then southeast along High Street to Whitney Avenue; then southwest along Whitney Avenue to Hospital Street; then southeast along Hospital Street to a point east of Cabot Street; then southwest along a line running parallel to and including both sides of Cabot Street to Wash Brook; then east along the various courses of Wash Brook to Highway 125; then south and southwest along Highway 125 to Sydney River; then southwest along Sydney River and Blacketts Lake to a point west of Blacketts Lake on Coxheath Road approximately 910 m west of the intersection of Burton Drive and Coxheath Road; then northeast along a straight line to a point on Mountain Road approximately 620 m southeast of the intersection of Mountain Road and Beechmont Road; then northeast along a straight line to the intersection of Frenchvale Road and Highway 125; then north along Highway 125 to the North West Arm of Sydney Harbour (Balls Creek); and

(ii) Membertou Reserve (28B);

(i) **Cape Breton West**, consisting of, in the County of Cape Breton,

(i) that part of Cape Breton Regional Municipality bounded by a line described as follows: starting in the Bras d'Or Lake at the Cape Breton County and Richmond County boundary; then northeast along the Bras d'Or Lake and East Bay to the western boundary of the Eskasoni Reserve; then north and east along the west and north boundary of the Eskasoni Reserve to the most northeast boundary of the Eskasoni Reserve; then northeast along a straight line to a point on Coxheath Road

approximately 910 m west of the intersection of Burton Drive and Coxheath Road; then northeast along Blacketts Lake and Sydney River to Highway 125; then northeast and north along Highway 125 approximately 8.5 km to a point east of Cossitt Lake; then east and northeast along a line running approximately 430 m north of O'Neil Lake and parallel to and excluding Devon Avenue to a line projecting southeast from the intersection of Evergreen Drive and Gardiner Road; then northeast along a straight line to a point 550 m south of Grand Lake Road on the western boundary of Sydney Airport; then south, east and north along the various courses of the Sydney Airport boundary to Renwick Brook; then northeast and southeast along the various courses of Renwick Brook to the former Town of Glace Bay western boundary; then southeast and northeast along the various courses of the former Town of Glace Bay boundary to the Atlantic Ocean; then east, south and southwest along the shore of the Atlantic Ocean to the Cape Breton County and Richmond County boundary; then northwest along the Cape Breton County and Richmond County boundary to the Bras d'Or Lake, and

(ii) Eskasoni Reserves (3, 3A) and Caribou Marsh Reserve (29);

(j) **Chester-St. Margaret's**, consisting of, in the County of Lunenburg,

(i) the Municipality of the District of Chester, including Gold River Reserve (2), New Ross Reserve (20) and Pennal Reserve (19), and

(ii) in the Municipality of the District of Lunenburg, Municipal District 10,

and, in the County of Halifax,

(iii) that part of Halifax Regional Municipality bounded by a line described as follows: starting where the Hants County and Halifax County boundary meets the Lunenburg County and Halifax County boundary; then east along the Hants County and Halifax County boundary to Pockwock Lake; then southwest along the western shore of Pockwock Lake to the most southwest shore of Pockwock Lake; then southeast along a straight line to Stillwater Lake; then south and southwest along Stillwater Lake to Hammonds Plains Road (Highway 213); then southwest along Hammonds Plains Road (Highway 213) to Highway 3; then southeast along a straight line to Upper Pond; then southwest along a straight line and Shad Bay to the shore of the Atlantic Ocean; then northwest along the shore of the Atlantic Ocean to the Halifax County and Lunenburg County boundary; then northwest along the Halifax County and Lunenburg County boundary to where it meets the Halifax County and Hants County boundary;

(k) and (l) *repealed 2002, c. 34, s. 1.*

(m) **Clare**, consisting of, in the County of Digby,

the Municipality of the District of Clare;

(n) **Colchester-Musquodoboit Valley**, consisting of, in the County of Colchester,

(i) the Town of Stewiacke,

(ii) in the Municipality of the County of Colchester, Municipal Districts 2, 3, 4 and 14, and

(iii) in the Municipality of the County of Colchester, that part of Municipal District 15 lying south of the Salmon River,

and, in the County of Halifax,

(iv) in the Municipality of the County of Halifax, Municipal Districts 12 and 13,

(v) in the Municipality of the County of Halifax, that part of Municipal District 14 lying east of Highway 102, and

(vi) Beaver Lake Reserve (17);

(o) **Colchester North**, consisting of, in the County of Colchester,

(i) in the Municipality of the County of Colchester, Municipal Districts 6, 7, 8, 9, 10, 11, 12 and 16, and

(ii) in the Municipality of the County of Colchester, that part of Municipal District 15 lying north of the Salmon River;

(p) **Cole Harbour**, consisting of, in the County of Halifax,

(i) that part of Halifax Regional Municipality bounded by a line described as follows: starting at a point where Settle Lake Brook meets Portland Street (Cole Harbour Road); then north along Settle Lake Brook and Settle Lake to the northern shore of Settle Lake; then west along a straight line passing north of Carlson Court to Lucien Drive; then northwest along Lucien Drive and the prolongation of Lucien Drive to Main Street; then northeast along Main Street (Highway 7) to a line approximately 275 m east of Riley Road; then south along a straight line to Broom Lake; then south and southeast along the various courses of Broom Lake Brook crossing Cole Harbour Road to the shore of Cole Harbour; then southeast along the shore of Cole Harbour to the unnamed brook (on PID # 40415739); then southwest and northwest along the unnamed brook (on PID # 40415739) to the prolongation of a line approximately 610 m south of Brookview Drive on Bissett Road; then southwest along a straight line crossing the north portion of Bissett Lake to the intersection of Colby Drive and Greenwich Drive; then northwest along Colby Drive to Deerbrooke Drive; then southwest along a line running parallel to and including Deerbrooke Drive to Caldwell Road; then southeast along Caldwell Road to Astral Drive; then southwest along a straight line approximately 270 m; then northwest along a line running parallel to Donegal Drive to Portland Street (Cole Harbour Road); then east along Portland Street (Cole Harbour Road) to Settle Lake Brook, and

(ii) Cole Harbour Reserve (30);

(pa) **Cole Harbour-Eastern Passage**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting where the north boundary of Canadian Forces Base Shearwater meets Halifax Harbour at Eisner Cove; then northeast along the various courses of the north boundary of Canadian Forces Base Shearwater along a straight line across Morris Lake to Astral Drive; then northeast along Astral Drive to Caldwell Road; then northwest along Caldwell Road to Deerbrooke Drive; then northeast along a line running parallel to and excluding Deerbrooke Drive to Colby Drive; then southeast along Colby Drive to the intersection of Greenwich Drive; then northeast along a straight line crossing the north portion of Bissett Lake to a point approximately 610 m southeast of Brookview Drive to Bissett Road; then northeast along a straight line to an unnamed brook (on PID # 40415739); then northeast along the unnamed brook (on PID # 40415739) to the shore of Cole Harbour; then southeast and south along Cole Harbour and south along Cow Bay to the mouth of Halifax Harbour; then northwest along Halifax Harbour passing west of McNabs Island to where the north boundary of Canadian Forces Base Shearwater meets Halifax Harbour at Eisner Cove;

(q) **Cumberland North**, consisting of, in the County of Cumberland,

(i) the Town of Amherst, and

(ii) in the Municipality of the County of Cumberland, Municipal Districts 1, 3, 7 and 8;

(r) **Cumberland South**, consisting of, in the County of Cumberland,

(i) the Towns of Oxford, Parrsboro and Springhill,

(ii) in the Municipality of the County of Cumberland, Municipal Districts 2, 4, 5, 6, 9, 10 and 11, and

(iii) Franklin Manor Reserve (22);

(s) **Dartmouth East**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting where Highway 111 (Circumferential Highway) crosses Lake Micmac; then north along Lake Micmac, the Shubenacadie Canal and Lake Charles to Barrys Run; then southeast along the various courses of Barrys Run to Loon Lake; then southeast and southwest along Loon Lake to the Brook joining Lake Loon and Cranberry Lake; then southwest along the Brook joining Lake Loon and Cranberry Lake to a straight line running parallel to Forest Hills Parkway extension; then southeast along the above said line to a point west on Main Street (Highway 7) approximately 150 m from the Forest Hill Parkway intersection; then southwest along Main Street (Highway 7) to the prolongation of Lucien Drive; then southeast along the prolongation of Lucien Drive and Lucien Drive to a line north of Carlson

Court; then east along the above said line to Settle Lake; then south along Settle Lake and Settle Lake Brook to Portland Street (Cole Harbour Road); then west along Portland Street (Cole Harbour Road) to Highway 111 (Circumferential Highway); then north and northwest along Highway 111 (Circumferential Highway) to Lake Micmac;

(t) **Dartmouth North**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting where Wright Brook meets the shore of Bedford Basin; then northeast along Wright Brook to the Canadian National Railway line; then northeast along the Canadian National Railway line approximately 3.9 km to Marshall Brook; then east along a straight line to the northern shore of Lake Charles; then southeast, south and southwest along Lake Charles, the Shubenacadie Canal, Lake Micmac, Lake Banook and Sullivan Pond Brook to Hawthorne Street; then northwest along Hawthorne Street to Crichton Avenue; then northwest along Crichton Avenue to Crichton Park Road; then northwest along Crichton Park Road to Thistle Street; then south and southwest along Thistle Street to Wyse Road; then northwest along Wyse Road to Nantucket Avenue; then southwest along Nantucket Avenue to the Angus L. Macdonald Bridge; then northwest along Halifax Harbour, The Narrows and the shore of Bedford Basin to Wright Brook;

(u) **Dartmouth South-Portland Valley**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting where the Angus L. Macdonald Bridge crosses Halifax Harbour; then northeast along Nantucket Avenue to Wyse Road; then southeast along Wyse Road to Thistle Street; then northeast and north along Thistle Street to Crichton Park Road; then southeast along Crichton Park Road to Crichton Avenue; then southeast along Crichton Avenue to Hawthorne Street; then southeast along Hawthorne Street to Sullivan Pond Brook; then northeast along Sullivan Pond Brook and Lake Banook to Highway 111 (Circumferential Highway); then south and southeast along Highway 111 (Circumferential Highway) to Portland Street; then east along Portland Street to a point west of Donegal Drive (approximately 215 m east of Portland Hills Drive); then southeast along a line running parallel to and excluding Donegal Drive to a point approximately 265 m southwest of Astral Drive; then southwest along a straight line across Morris Lake to the north boundary of Canadian Forces Base Shearwater; then southwest along the various courses of the north boundary of Canadian Forces Base Shearwater to where it meets Halifax Harbour at Eisner Cove; then northwest along Halifax Harbour to the Angus L. Macdonald Bridge;

(v) *repealed 2002, c. 34, s. 1.*

(w) **Digby-Annapolis**, consisting of, in the County of Digby,

(i) the Town of Digby,

(ii) the Municipality of the District of Digby, and

(iii) Bear River Reserve (6) (western part),

and, in the County of Annapolis,

(iv) in the Municipality of the County of Annapolis, Municipal Districts 6 and 7,

(v) that part of Municipal District 8 lying south and west of a line described as follows: starting at the point where Allains Creek meets the northern boundary of Municipal District 8; then southeast and south along Allains Creek and Allains River to the point due west of the intersection of Highway 8 and Highway 101; then due east in a straight line to the intersection to Highway 8 and Highway 101; then southeast in a straight line to the point where South Brook flows out of Keenan Lake; then east in a straight line to the point where Ten Mile Brook flows out of Dargie Lake; then east along the southern shore of Dargie Lake to the eastern boundary of Municipal District 8, and

(vi) Bear River Reserves (6 (eastern part), 6A, 6B);

(x) **Eastern Shore**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting at a point on Broom Lake Brook approximately 190 m southwest of Broom Lake; then northeast along a straight line approximately 630 m to the Little Salmon River Tributary; then southeast along the Little Salmon River Tributary approximately 135 m; then northeast along a straight line passing south of Chris Evan Drive and Highway 7 to a point approximately 175 m east of Shepherds Lane; then southeast along a line to a point approximately 120 m west of Gammon Lake; then northeast along a straight line passing through Gammon Lake to a point on the Candy Mountain Road (approximately 575 m from Notting Hill Road); then east along the Candy Mountain Road to the western boundary of PID # 00407908; then northeast along the western boundary of PID # 00407908 to the western boundary of PID # 00608018; then northwest and northeast along the west and north boundary of PID # 00608018 to PID # 00609305; then northwest along the west boundary of PID# 00609305 to the southeast boundary of PID # 40185233; then northwest along the east boundary of PID # 40185233 to the southwest boundary of PID # 00497388; then northeast along the southwest boundary of PID # 00497388 and its prolongation to Porters Lake (South of Christopher Lane); then northwest along Porters Lake to the northern shore of Porters Lake; then northeast along a straight line to Second Rocky Lake; then southeast along a straight line to the most northeast point of the boundary of the Tangier Grand Lake Wilderness Area; then southeast and southwest along the various courses of the Tangier Grand Lake Wilderness area to its most southern boundary; then southwest along a straight line passing through Newcombe Lake to Newcombe Brook; then southwest along the Newcombe Brook to Ship Harbour; then south along Ship Harbour to False Passage; then southwest along False Passage to a point on the Atlantic Ocean shore west of Wolfe's Island; then southwest along the shore of the Atlantic Ocean to Cow Bay; then north and northwest along Cow Bay and Cole Harbour to Broom Lake Brook; then north and northwest along the various courses of Broom Lake Brook to a point approximately 190 m southwest of Broom Lake;

(y) **Glace Bay**, consisting of, in the County of Cape Breton,

the former Town of Glace Bay;

(ya) **Guysborough-Sheet Harbour**, consisting of

(i) the County of Guysborough, except that part in the Municipality of the County of Antigonish,

and, in the County of Halifax,

(ii) that part of Halifax Regional Municipality bounded by a line described as follows: starting at a point on the Atlantic Ocean shore west of Wolfe's Island; then northeast along False Passage to Ship Harbour; then north along Ship Harbour to Newcombe Brook; then northeast along Newcombe Brook to Newcombe Lake; then northeast along a straight line passing through Newcombe Lake to the southern boundary of the Tangier Grand Lake ~~Wildnerness~~ [Wilderness] Area; then northeast and northwest along the various courses of the Tangier Grand Lake Wilderness area to the most northeast point of the boundary; then northeast along a straight line to Second Rocky Lake; then northeast along a straight line to Upper Beaver Lake; then northeast along a straight line to Lower Beaver Lake; then northeast along a straight line to Moser Lake on the Halifax County and Guysborough County boundary; then southeast along the Halifax County and Guysborough County boundary to the shore of the Atlantic Ocean; then southwest along the shore of the Atlantic Ocean to a point west of Wolfe's Island, and

(iii) Sheet Harbour Reserve (36);

(z) **Halifax Atlantic**, consisting of, in the County of Halifax,

(i) that part of the City of Halifax lying south and west of a line described as follows: starting at the point where the Northwest Arm meets Halifax Harbour; then northwest along the Northwest Arm to the northwestern most point of the Northwest Arm; then northwest in a straight line to the centre of the Armdale Rotary; then south in a straight line to Herring Cove Road; then south along Herring Cove Road to the southerly projection of the rear property lines of the properties on the western side of Punchbowl Drive; then north along the southerly projection and the rear property lines of the properties on the western side of Punchbowl Drive to the rear property lines of the properties on the northern side of Punchbowl Drive; then west along the westerly projection of the rear property lines of the properties on the northern side of Punchbowl Drive to Northwest Arm Drive; then southeast along Northwest Arm Drive to Old Sambro Road; then due west in a straight line to Long Lake; then west, south and west along the southern shore of Long Lake to the western boundary of the City of Halifax, and

(ii) in the Municipality of the County of Halifax, Municipal District 5;

(aa) **Halifax Chebucto**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting where the Canadian National Railway line crosses Kempt Road; then south along the Canadian National Railway line to Chebucto Road; then southwest along Chebucto Road and its westerly projection to the centre of the Armdale Rotary; then southeast along the Northwest Arm to the prolongation of Jubilee Road; then northeast along the prolongation of Jubilee Road and Jubilee Road to Robie Street; then northwest along Robie Street to Quinpool Road; then southwest

along Quinpool Road to Windsor Street; then northwest along Windsor Street to Kempt Road; then west along Kempt Road to the Canadian National Railway line;

(ab) **Halifax Citadel**, consisting of, in the County of Halifax,

(i) that part of Halifax Regional Municipality bounded by a line described as follows: starting where the prolongation of Jubilee Road meets Northwest Arm; then northeast along the prolongation of Jubilee Road and Jubilee Road to Robie Street; then northwest along Robie Street to Cogswell Street; then northeast along Cogswell Street to Rainnie Drive; then southeast along Rainnie Drive to Duke Street; then northeast along Duke Street and the prolongation of Duke Street to the shore of Halifax Harbour; then southeast along the shore of Halifax Harbour passing east of Georges Island to Point Pleasant Park and the Northwest Arm; then northwest along the Northwest Arm to the prolongation of Jubilee Road,

(ii) together with Sable Island;

(ac) **Halifax Clayton Park**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting at a point where the Canadian National Railway line crosses Highway 103; then northeast along Highway 103 to Highway 102 (Bicentennial Drive); then east along Highway 102 (Bicentennial Drive) to Northwest Arm Drive; then northwest and north along Northwest Arm Drive and Dunbrack Street to Willett Street; then southeast along Willett Street to the westerly projection of the rear property lines of the properties on the northern side of Sybyl Court; then east along the westerly projection and rear property lines of the properties on the northern side of Sybyl Court and their easterly projection to Lacewood Drive; then southeast along Lacewood Drive to Vimy Avenue; then east along Vimy Avenue and its easterly projection to the Canadian National Railway line and the shore of Bedford Basin (Fairview Cove); then northwest along Bedford Basin to a line running from the shore of Bedford Basin to Sherwood Point; then southwest to the intersection of Crest Road and Tremont Drive; then southwest along a line to the intersection of Farnham Gate Road and Dunbrack Street; then southwest along a line running parallel to and including Farnham Gate Road to a point east of Scotch Pine Terrace; then northwest along a line running parallel to and excluding Edward Laurie Drive to a point on Highway 102 approximately 750 m south of the Kearney Lake Road and Dunbrack Street interchange; then southwest along a straight line passing through the southern portion of Washmill Lake to the southern shore of Ash Lake; then southeast along Ash Lake Brook (Suzie Lake Brook) to the most eastern shore of Black Duck Ponds; then southeast along a straight line to a point on Highway 103 west of Lakeland Boulevard; then east along a straight line to St. Margaret's Bay Road; then north along a straight line to where the Canadian National Railway line crosses Highway 103;

(ad) **Halifax Fairview**, consisting of, in the County of Halifax,

that part of the City of Halifax bounded by a line described as follows: starting at the point where the Canadian National Railway line crosses Highway 103; then northeast along Highway 103 to Highway 102 (Bicentennial Drive); then east along Highway 102 (Bicentennial Drive) to Northwest Arm Drive; then northwest and north along Northwest Arm Drive and Dunbrack Street to Willett Street; then

southeast along Willett Street to the westerly projection of the rear property lines of the properties on the northern side of Sybyl Court; then east along the westerly projection and the rear property lines of the properties on the northern side of Sybyl Court and their easterly projection to Lacewood Drive; then southeast along Lacewood Drive to Vimy Avenue; then east along Vimy Avenue and its easterly projection to the Canadian National Railway line; then south along the Canadian National Railway line to Chebucto Road; then southwest along Chebucto Road and its southwesterly projection to the centre of the Armdale Rotary; then south in a straight line to Herring Cove Road; then south along Herring Cove Road to the southerly projection of the rear property lines of the properties on the western side of Punchbowl Drive; then north along the southerly projection and the rear property lines of the properties on the western side of Punchbowl Drive to the rear property lines of the properties on the northern side of Punchbowl Drive; then west along the westerly projection of the rear property lines of the properties on the northern side of Punchbowl Drive to Northwest Arm Drive; then southeast along Northwest Arm Drive to Old Sambro Road; then due west in a straight line to Long Lake; then west, south and west along the southern shore of Long Lake to the western boundary of the City of Halifax; then northwest along the western boundary of the City of Halifax to the intersection of the boundaries of the City of Halifax and Municipal District 4 and Municipal District 5 of the Municipality of the County of Halifax, then north in a straight line to the point where the Canadian National Railway line crosses Highway 103;

(ae) **Halifax Needham**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting where the Canadian National Railway line crosses Kempt Road; then east along Kempt Road to Windsor Street; then southeast along Windsor Street to Quinpool Road; then northeast along Quinpool Road to Cogswell Street; then northeast along Cogswell Street to Rainnie Drive; then southeast along Rainnie Drive to Duke Street; then northeast along Duke Street and the prolongation of Duke Street to the shore of Halifax Harbour; then northwest along the shore of Halifax Harbour and The Narrows to the shore of Fairview Cove; then south along a line to where the Canadian National Railway line crosses Kempt Road;

(aea) **Hammonds Plains-Upper Sackville**, consisting of, in the County of Halifax,

that part of the Halifax Regional Municipality bounded by a line described as follows: starting at the southern shore of Ash Lake; then northwest along a straight line passing through the northern shore of Frasers Lake to Maple Lake; then northwest along a straight line passing through Camp Hill Lake to where Grant Line Road meets Hammonds Plains Road (Highway 213); then southwest along Hammonds Plains Road (Highway 213) to Stillwater Lake; then north and northeast along Stillwater Lake to the northeast shore of Stillwater Lake; then northwest along a straight line to the most southwest shore of Pockwock Lake; then northeast along the western shore of Pockwock Lake to the Hants County and Halifax County boundary; then east and northeast along the Hants County and Halifax County boundary to the W and H Railway line; then southeast along the W and H Railway line to where it crosses the Beaver Bank Road; then southwest along the Beaver Bank

Road and the prolongation of the Beaver Bank Road to the Sackville River; then southeast along the various courses of the Sackville River a distance of approximately 1.15 km; then southwest along a straight line passing approximately 345 m west of Marsh Lake to a point on Hammonds Plains Road approximately 335 m east of the Kearney Lake Road intersection; then southeast along a straight line to a point 140 m north on Bluewater Road from the intersection with Kearney Lake Road; then east along a straight line to Highway 102; then south and southeast along Highway 102 to a point approximately 1.8 km north and northwest of the Kearney Lake Road and Highway 102 interchange: then southwest along a straight line to a point on Kearney Lake Road approximately 1.7 km northwest of the Kearney Lake Road and Highway 102 interchange; then southwest along a straight line passing through Kearney Lake and the northern shore of Charlies Lake to the northern shore of Ash Lake; then south along Ash Lake to the southern shore of Ash Lake;

(af) **Hants East**, consisting of, in the County of Hants,

the Municipality of the District of East Hants, including Indian Brook Reserve (14);

(ag) **Hants West**, consisting of, in the County of Hants,

the Town of Hantsport, the Town of Windsor and the Municipality of the District of West Hants, including St. Croix Reserve (34);

(ah) **Inverness**, consisting of

the County of Inverness, including Malagawatch Reserve (4), Margaree Reserve (25) and Whycocomagh Reserve (2);

(ai) **Kings North**, consisting of, in the County of Kings,

(i) the Town of Kentville,

(ii) in the Municipality of the County of Kings, Municipal Districts 1, 2 and 3, and

(iii) in the Municipality of the County of Kings, that part of Municipal District 4 lying east of a line described as follows: starting at the point where Canada Creek flows into the Minas Channel; then south along Canada Creek to Black Rock Road; then southeast and south along Black Rock Road to the southern boundary of Municipal District 4;

(aj) **Kings South**, consisting of, in the County of Kings,

(i) the Town of Wolfville,

(ii) in the Municipality of the County of Kings, Municipal Districts 11 and 12,

(iii) in the Municipality of the County of Kings, that part of Municipal District 9 lying east of a line described as follows: starting at the point where the northerly projection of Joudrey Mountain Road (Miller Lane) meets the northern boundary of Municipal District 9, then south along the northerly projection and Joudrey Mountain Road (Miller Lane) to the southern end of Joudrey Mountain Road (Miller Lane) (approximately 200 m north of Waterville Airfield); then southeast in a

straight line to the point where a power transmission line crosses Sharpe Brook (approximately 200 m north of Randolph Road); then south along Sharpe Brook to Prospect Road; then southwest in a straight line to the point where Arenburgs Meadows Brook crosses the southern boundary of Municipal District 9,

(iv) in the Municipality of the County of Kings, that part of Municipal District 10 lying east of a line described as follows: starting at the point where Arenburgs Meadows Brook crosses the northern boundary of Municipal District 10; then southeast along Arenburgs Meadows Brook to North River Road; then south in a straight line to the point where the western shore of Four Mile Lake crosses the western boundary of Municipal District 10, and

(v) Cambridge Reserve (32) and Horton Reserve (35);

(ak) **Kings West**, consisting of, in the County of Kings,

(i) the Town of Berwick,

(ii) in the Municipality of the County of Kings, Municipal Districts 5, 6, 7 and 8,

(iii) in the Municipality of the County of Kings, that part of Municipal District 4 lying west of a line described as follows: starting at the point where Canada Creek flows into the Minas Channel; then south along Canada Creek to Black Rock Road; then southeast and south along Black Rock Road to the southern boundary of Municipal District 4,

(iv) in the Municipality of the County of Kings, that part of Municipal District 9 lying west of a line described as follows: starting at the point where the northerly projection of Joudrey Mountain Road (Miller Lane) meets the northern boundary of Municipal District 9; then south along the northerly projection and Joudrey Mountain Road (Miller Lane) to the southern end of Joudrey Mountain Road (Miller Lane) (approximately 200 m north of Waterville Airfield); then southeast in a straight line to the point where a power transmission line crosses Sharpe Brook (approximately 200 m north of Randolph Road); then south along Sharpe Brook to Prospect Road; then southwest in a straight line to the point were Arenburgs Meadows Brook crosses the southern boundary of Municipal District 9, and

(v) in the Municipality of the County of Kings, that part of Municipal District 10 lying west of a line described as follows: starting at the point where Arenburgs Meadows Brook crosses the northern boundary of Municipal District 10; then southeast along Arenburgs Meadows Brook to North River Road; then south in a straight line to the point where the western shore of Four Mile Lake crosses the western boundary of Municipal District 10;

(al) **Lunenburg**, consisting of, in the County of Lunenburg,

(i) the Towns of Lunenburg and Mahone Bay,

(ii) in the Municipality of the District of Lunenburg, Municipal Districts 1, 2, 3 and 4, and

(iii) in the Municipality of the District of Lunenburg, that part of Municipal District 5 lying east of a line described as follows: starting at the point where the Canadian National Railway line crosses the northern boundary of Municipal District 5 (approximately 2.25 km west of the LaHave River); then southeast along the Canadian National Railway line to the LaHave River; then southeast along the LaHave River to New Germany Lake; then south along the western shore of New Germany Lake to the West River; then southwest along the West River to Varner Brook; then southeast in a straight line to the point where Manning Brook crosses Lower Branch Road; then southeast in a straight line to the point on Veinot Road 300 m southwest of the intersection of Veinot Road and Osborne Road; then northeast along Veinot Road to the LaHave River; then southeast along the LaHave River to Wentzells Lake; then south along Wentzells Lake to the LaHave River; then southeast along the LaHave River to the southern boundary of Municipal District 5;

(am) **Lunenburg West**, consisting of, in the County of Lunenburg,

(i) the Town of Bridgewater, and

(ii) that part of the Municipality of the District of Lunenburg described as follows: starting where Highway 103 meets the Queens County and Lunenburg County boundary; then northwest along the Queens County and Lunenburg County boundary to the Annapolis County and Lunenburg County boundary; then northeast along the Annapolis County and Lunenburg County boundary to where the abandoned Canadian National Railway line crosses the boundary (approximately 2.25 km west of the LaHave River); then southeast along the abandoned Canadian National Railway line to the LaHave River; then southeast along the LaHave River to New Germany Lake; then south along the western shore of New Germany Lake to West River; then southwest along West River to Varner Brook; then southeast in a straight line to the point where Manning Brook crosses Lower Branch LaHave Road; then southeast in a straight line to a point on Veinot Road 300 m southwest of the intersection of Veinot Road and Osborne Road; then northeast along Veinot Road to the LaHave River; then southeast along the LaHave River to Wentzells Lake; then south along Wentzells Lake to the LaHave River; then southeast along the LaHave River to the Bridgewater Town Boundary; then northeast, southeast and southwest along the Bridgewater Town Boundary to the LaHave River; then southeast along the LaHave River to the Atlantic Ocean (including West Ironbound Island); then southwest along the Atlantic Ocean shore to a point west of Cape LaHave Island and Indian Island; then north along a straight line to the northeast boundary of Rissers Beach Provincial Park; then northwest along the northeast boundary of Rissers Beach Provincial Park to the most northwest boundary; then northwest along a straight line to Brown Lake; then northwest along a straight line to Oikle Lake; then southwest along a straight line to Wallace Brook (at Wallace Lake); then west and south along Wallace Lake to Sarty Lake Brook; then northwest along Sarty Lake Brook to the southern shore of Sarty Lake; then southwest along a straight line to the northern shore of Cranberry Lake; then southeast along a straight line to point on Highway 103; then southwest along Highway 103 approximately 6.5 km to the Queens County and Lunenburg County boundary;

(an) **Pictou Centre**, consisting of, in the County of Pictou,

the Towns of New Glasgow, Stellarton and Trenton;

(ao) **Pictou East**, consisting of, in the County of Pictou,

(i) the Town of Westville,

(ii) in the Municipality of the County of Pictou, Municipal Districts 10, 11, 12, 13, 14, 15, 16 and 17,

(iii) in the Municipality of the County of Pictou, that part of Municipal District 1 excluding Pictou Island, and

(iv) Boat Harbour West Reserve (37), Fishers Grant Reserves (24, 24G) and Merigomish Harbour Reserve (31);

(ap) **Pictou West**, consisting of, in the County of Pictou,

(i) the Town of Pictou,

(ii) in the Municipality of the County of Pictou, Municipal Districts 2, 3, 4, 5, 6, 7, 8 and 9, and

(iii) in the Municipality of the County of Pictou, that part of Municipal District 1 contained in Pictou Island;

(aq) **Preston**, consisting of, in the County of Halifax,

(i) in the Municipality of the County of Halifax, Municipal District 8, and

(ii) in the Municipality of the County of Halifax, that part of Municipal District 7 lying north of a line described as follows: starting at the point where Main Street crosses the western boundary of Municipal District 7; then east along Main Street to the point where a power transmission line crosses Main Street (approximately 190 m east of Riley Road); then south and east along the power transmission line to the eastern boundary of Municipal District 7;

(ar) **Queens**, consisting of

(i) the County of Queens, including Medway River Reserve (11), Ponhook Lake Reserve (10) and Wildcat Reserve (12),

and, in the County of Lunenburg,

(ii) that part of the Municipality of the District of Lunenburg bounded by a line described as follows: starting where Highway 103 meets the Queens County and Lunenburg County boundary; then northeast along Highway 103 approximately 6.5 km; then northwest along a straight line to the northern shore of Cranberry Lake; then northeast along a straight line to the southern shore of Sarty Lake; then southeast along Sarty Lake Brook to Wallace Lake; then north and east along Wallace Lake to Wallace Brook; then northeast along a straight line to Oikle Lake; then southeast along a straight line to Brown Lake; then southeast along a straight line to the most northwest boundary of Rissers Beach Provincial Park; then

southeast along the northeast boundary of Rissers Beach Provincial Park to the Atlantic Ocean west of Cape LaHave Island and Indian Island; then southwest along the shore of the Atlantic Ocean to the Queens County and Lunenburg County boundary; then northwest along the Queens County and Lunenburg County boundary to Highway 103;

(as) **Richmond**, consisting of

the County of Richmond, including Chapel Island Reserve (5);

(at) **Sackville-Cobequid**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting where the Beaver Bank Road meets the Beaver Bank - Windsor Junction Cross Road; then southeast along the Beaver Bank - Windsor Junction Cross Road to Ashlea Drive; then southwest along the prolongation of Ashlea Drive to Second Lake; then southeast and east through Second Lake to a point on the Canadian National Railway line (south of Cottage Lane); then southeast along the Canadian National Railway line to a point approximately 100 m north of the Cobequid Road; then southwest along a line running parallel and excluding both sides of Cobequid Road a distance of approximately 400 m; then southeast along a straight line to the centre line of Cobequid Road; then northeast along the centre line of Cobequid Road a distance of approximately 30 m; then southeast along a straight line a distance of approximately 40 m to a point southeast of Cobequid Road; then northeast along a line running parallel and excluding both sides of Cobequid Road a distance of approximately 235 m to a point west of Lakeview Road; then southeast along a line running parallel to and excluding both sides of Lakeview Road to Highway 102; then southwest along Highway 102 a distance of approximately 3.8 km to the Highway 101 interchange; then northwest along Highway 101 to where the Little Sackville River meets the Sackville River; then northwest along the various courses of the Sackville River to the prolongation of the Beaver Bank Road at the Middle Sackville and Beaver Bank interchange on Highway 101; then northeast along the prolongation of the Beaver Bank Road and the Beaver Bank Road to the Beaver Bank - Windsor Junction Cross Road;

(au) *repealed 2002, c. 34, s. 1.*

(av) **Shelburne**, consisting of

the County of Shelburne;

(aw) **Timberlea-Prospect**, consisting of, in the County of Halifax,

that part of Halifax Regional Municipality bounded by a line described as follows: starting at Shad Bay on the shore of the Atlantic Ocean; then northeast along Shad Bay and a straight line to Upper Pond; then northwest along a straight line to where Highway 3 meets Hammonds Plains Road (Highway 213); then northeast along Hammonds Plains Road (Highway 213) to the Grant Line Road; then southeast along a straight line passing through Camp Hill Lake to Maple Lake; then southeast along a straight line passing through the northern shore of Frasers Lake to the southern shore of Ash Lake; then southeast along Ash Lake Brook (Suzie Lake Brook) to the most eastern shore of Black Duck Ponds; then southeast along a straight line to a point on Highway 103 to a point west of Lakeland Boulevard; then

east along a straight line to St. Margaret's Bay Road; then south along a straight line to the western shore of Long Lake; then south along a straight line approximately 1.05 km to Beaver Dam Brook; then south along Beaver Dam Brook a distance of approximately 1.58 km; then south along a straight line to a point approximately 220 m west of Fish Brook Pond; then south along a straight line to Spruce Hill Lake; then south along Spruce Hill Lake to the southern shore of Spruce Hill Lake; then south along a straight line to where it meets the Brook running from Narrow Lake to Sheas Lake; then south along the various courses of Sheas Lake, Run Lake, Moody Lake, The Two Lakes, and Ragged Lake to Grand Lake; then southwest along a straight line to a point north of Power Island on the Atlantic Ocean shore; then west along the Atlantic Ocean shore to Shad Bay;

(ax) **Truro-Bible Hill**, consisting of, in the County of Colchester,

(i) the Town of Truro,

(ii) in the Municipality of the County of Colchester, Municipal Districts 1, 5 and 13, and

(iii) Millbrook Reserve (27) and Truro Reserves (27A, 27B, 27C);

(ay) **Victoria-The Lakes**, consisting of

(i) the County of Victoria, including Wagmatcook Reserve,

and, in the County of Cape Breton,

(ii) that part of Cape Breton Regional Municipality bounded by a line described as follows: starting where the Victoria County and Cape Breton County boundary (Aconi Brook) meets the shore of the Atlantic Ocean; then south along the Victoria County and Cape Breton County boundary (Aconi Brook) to Mill Pond; then east along Mill Pond to Mill Pond Road; then northeast along Mill Pond Road to the intersection of Sherrie Lee Lane and Mill Pond Road; then southeast and south along Prince Mine Road to the Trans Canada Highway; then southeast along the Trans Canada Highway to Highway 125; then south and southwest along Highway 125 to the Frenchvale Road; then southwest along a straight line to a point on Mountain Road approximately 620 m southeast of the intersection of Mountain Road and Beechmont Road; then southwest along a straight line to a point on Coxheath Road approximately 910 m west of the intersection of Burton Drive and Coxheath Road; then southwest along a straight line to the most northeast boundary of the Eskasoni Reserve; then west and south along the various courses of the north and west boundaries of the Eskasoni Reserve to the shore of East Bay; then southwest along East Bay to Bras d'Or Lake and the Victoria County and Cape Breton County boundary; then northeast along the various courses of the Victoria County and Cape Breton County boundary to the shore of the Atlantic Ocean (Aconi Brook);

(aya) **Waverley-Fall River-Beaver Bank**, consisting of, in the County of Halifax,

(i) that part of Halifax Regional Municipality bounded by a line described as follows: starting where Wright Brook meets Windmill Road; then northwest along Windmill Road and Bedford Bypass to Rocky Lake Road; then

northeast along Rocky Lake Road approximately 3.1 km; then west along the shore of Rocky Lake passing through the Canadian National Railway causeway and the shore of Rocky Lake to Sucker Brook; then southwest along Sucker Brook to Highway 102; then northeast along Highway 102 a distance of approximately 1.72 kms to a point west of Lakeview Road; then northwest along a line running parallel to and including both sides of Lakeview Road to a point southeast of Cobequid Road; then southwest along a line running parallel to and including both sides Cobequid Road a distance of approximately 235 m; then northwest along a straight line to the centre line of Cobequid Road; then southwest along the centre line of Cobequid Road approximately 30 m; then northwest along a straight line a distance of 100 m; then northeast along a line running parallel and including both sides of Cobequid Road a distance of approximately 400 m to the Canadian National Railway line to a point approximately 100 m north of the Cobequid Road; then northwest along the Canadian National Railway line to a point south of Cottage Lane; then west and northwest through Second Lake to the prolongation of Ashlea Drive; then northeast along the prolongation of Ashlea Drive to the Beaver Bank - Windsor Junction Cross Road; then northwest along the Beaver Bank - Windsor Junction Cross Road to the Beaver Bank Road and the W and H Railway line; then northwest along the W and H Railway line to the Hants County and Halifax County Boundary; then northeast along the various courses of the Hants County and Halifax County boundary to Highway 102; then south along Highway 102 to a point 300 m from Aerotech Drive; then southeast along a straight line to Preeper Pond; then southwest and south along the brook joining Preeper Pond to Soldier Lake approximately 5.4 km; then east along a straight line to Three Mile Lake; then south along a line passing through Ernst Lake and Little Duck Lake to Long Duck Lake; then southwest along Long Duck Lake and the Long Duck Brook to East Lake; then south along East Lake to the unnamed brook flowing into Lake Major; then southeast along Lake Major 1.3 km; then southwest along a straight line passing north of Burnhope Drive to Barrys Run; then southwest along Barrys Run to Lake Charles; then north and northwest along Lake Charles to the northern shore of Lake Charles; then west along a straight line to where Marshall Brook meets the Canadian National Railway line; then southwest along the Canadian National Railway line approximately 3.9 km to Wright Brook; then southwest along Wright Brook to Windmill Road, and

(ii) Shubenacadie Reserve (13);

(az) **Yarmouth**, consisting of, in the County of Yarmouth,

the Town of Yarmouth and the Municipality of the District of Yarmouth, including Yarmouth Reserve (33).

R.S. (1992 Supp.), c. 1, s. 4; 1997, (2nd Sess.), c. 6, s. 4; 1999, c. 10, ss. 1, 2; 2001, c. 16, s. 1; 2002, c. 34, s. 1.

**Independent electoral boundaries commission**

5 (1) In this Section, "commission" means the independent electoral boundaries commission appointed pursuant to this Section.

(2) The electoral districts described in Section 4 have effect until new electoral districts are approved pursuant to this Section.

(3) No later than the thirty-first day of December, 2012, and, thereafter, within ten years after the last change in electoral districts made pursuant to this Section, and at least once in every ten years from the thirty-first day of December, 2012, an independent electoral boundaries commission shall be appointed and issued terms of reference by a select committee of the House constituted to appoint the members of the commission.

(4) The commission shall prepare, for approval by the House, a report recommending the boundaries and names for the electoral districts comprising the House.

(5) The terms of reference of the commission shall provide that

(a) the commission is broadly representative of the population of the Province;

(b) the commission prepare a preliminary report and hold public hearings prior to preparing the preliminary report; and

(c) following the preparation of the preliminary report the commission hold further public hearings prior to preparing its final report.

(6) The final report of the commission shall be laid before the House, if the House is then sitting, and the Premier, or the Premier's designate, shall table the report in the House on the next sitting day.

(7) If the House is not sitting when the final report of the commission is completed, the final report of the commission shall be filed with the Clerk of the House and the Premier, or the Premier's designate, shall table the final report in the House within ten days after the House next sits.

(8) Within ten sitting days after the final report of the commission is tabled in the House pursuant to subsection (6) or (7), the Government shall introduce legislation to implement the recommendations contained in the final report of the commission. R.S. (1992 Supp.), c. 1, s. 5; 2002, c. 34, s. 2.

**Report of Chief Electoral Officer**

5A (1) The Chief Electoral Officer may prepare, for approval by the House, a report recommending changes in the boundaries for the electoral districts comprising the House if, in the opinion of the Chief Electoral Officer, the transfer of electors from one of those electoral districts to another contiguous electoral district would improve the administration of the elections in those electoral districts.

(2) The changes recommended by the report must not alter the number of electors in any electoral district by more than three hundred as reckoned using the most recent voters' lists.

(3) The report of the Chief Electoral Officer shall be laid before the House, if the House is then sitting, and the Premier, or the Premier's designate, shall table the report in the House on the next sitting day.

(4) If the House is not sitting when the report of the Chief Electoral Officer is completed, the report shall be filed with the Clerk of the House and the Premier, or the Premier's designate, shall table the report in the House within ten days after the House next sits.

(5) Within ten sitting days after the report of the Chief Electoral Officer is tabled in the House pursuant to subsection (3) or (4), the Government shall introduce legislation to implement the recommendations contained in the report.

(6) If the changes recommended by the report of the Chief Electoral Officer are approved by the House, they have effect on and after the next dissolution or the next determination by the effluxion of time of the House. 2002, c. 34, s. 3.

**Mi'kmaq representative**

6 (1) The House hereby declares its intention to include as an additional member a person who represents the Mi'kmaq people, such member to be chosen and to sit in a manner and upon terms agreed to and approved by representatives of the Mi'kmaq people.

(2) Until the additional member referred to in subsection (1) is included, the Premier, the Leader of the Official Opposition and the leader of a recognized party shall meet at least annually with representatives of the Mi'kmaq people concerning the nature of Mi'kmaq representation in accordance with the wishes of the Mi'kmaq people, and the Premier shall report annually to the House on the status of the consultations. R.S. (1992 Supp.), c. 1, s. 6.

**Electoral boundaries**

7 (1) In this Section, "municipal boundary" means a boundary of

(a) a city;

(b) an incorporated town;

(c) a municipality of a county;

(d) a municipality of a district;

(e) a village service commission;

(f) a municipal district.

(2) The boundaries of an electoral district set out in this Act shall be altered only by amendment to this Act.

(3) Where the description of the boundaries of an electoral district refers to or incorporates a county boundary or a municipal boundary, the county boundary or municipal boundary is the boundary as it existed on the first day of January, 1992. R.S. (1992 Supp.), c. 1, s. 7.

## Duration and sittings of House

8 (1) The House shall continue for five years from the expiration of forty days next after the issuing of writs for any general election unless sooner dissolved, and no longer.

(2) In each calendar year beginning in 1994, there shall be at least one sitting of the House during the six-month period beginning on the first day of January and one sitting of the House during the four-month period ending the thirty- first day of December.

(3) Nothing in subsection (2) prevents the House from sitting at a time other than the periods set out in subsection (2).

(4) Subsection (2) does not apply during the six months immediately following ordinary polling day of a general election. R.S. (1992 Supp.), c. 1, s. 8; 1993, c. 50.

### Demise of Crown

9 No House shall determine or be dissolved by the demise of the Crown. R.S. (1992 Supp.), c. 1, s. 9.

### By-election

10 (1) Where a seat in the House becomes vacant, a writ for an election to fill the vacancy shall be issued within six months after the vacancy occurs and such election shall be held within twelve months after the vacancy occurs.

(2) This Section does not apply where a vacancy occurs within twelve months before the expiry of the time limited for the duration of the House by Section 8.

(3) If the House is dissolved after the issue of a writ pursuant to this Section, such writ shall thereupon be deemed to have been superseded and withdrawn. R.S. (1992 Supp.), c. 1, s. 10.

## PART II

## MEMBERS OF THE HOUSE

### A - QUALIFICATIONS

**Qualifications**

**11** A person eligible as a member of the House shall be a British subject by birth or naturalization of not less than eighteen years of age. R.S. (1992 Supp.), c. 1, s. 11; 2002, c. 33, s. 1.

**Commencement of membership**

**12** A person shall be a member of the House when that person has been declared elected and returned as such by the returning officer. R.S. (1992 Supp.), c. 1, s. 12.

### B - RESIGNATIONS

**Vacation of seat by member**

**13** Any member of the House may vacate that member's seat by written notice to the Speaker, if the House is in session, or to the Provincial Secretary, if the House is not in session. R.S. (1992 Supp.), c. 1, s. 13.

**Vacation of seat or resignation by Speaker**

**14** (1) The Speaker may vacate the Speaker's seat by a declaration to that effect in the House, if in session, or by written notice to the Provincial Secretary, if the House is not in session.

(2) The Speaker may resign office as Speaker by a declaration to that effect in the House, if in session, or by written notice to the Provincial Secretary, if the House is not in session.

(3) In case of a vacancy happening in the office of Speaker by death, resignation or otherwise, the House shall, with all practicable speed, proceed to elect another of its members to be Speaker and, until the election of a Speaker as aforesaid, the Deputy Speaker shall perform all the duties and exercise all the authority of Speaker. R.S. (1992 Supp.), c. 1, s. 14.

**Duration of occupation of office of Speaker**

**15** Subject to Section 14, the Speaker shall be considered to have occupied that position from the date of the Speaker's election as a member of the House or from the date the previous Speaker vacated office, whichever last occurs, until the date of the next following general election or a new Speaker is elected, whichever first occurs. R.S. (1992 Supp.), c. 1, s. 15.

**Duration of occupation of office of Deputy Speaker**

**16** Unless the Deputy Speaker's seat is vacated or the Deputy Speaker resigns or dies, the Deputy Speaker shall be considered to have occupied that position from the date of the Deputy Speaker's election as a member of the House or from the date the previous Deputy Speaker vacated office, whichever last occurs, until the date of the next following general election or a new Deputy Speaker is elected, whichever first occurs. R.S. (1992 Supp.), c. 1, s. 16.

## PART III

## DISQUALIFICATIONS AND INDEPENDENCE

**Disqualification as member**

**17 (1)** Except as hereinafter specially provided, no person who

(a) is a member of the Senate;

(b) is a member of the House of Commons of Canada;

(c) causes, suffers or permits himself to be nominated as a candidate for the representation of any electoral district in the House of Commons of Canada; or

(d) accepts or holds any office in the service of the Government of Canada, or the Government of Nova Scotia to which any salary or wage of any kind is attached,

shall be eligible as a member of the House unless that person has resigned such office before nomination for election as such member, and given notice of such resignation to the Provincial Secretary, or shall sit or vote in the House during the time that person holds such office.

(2) Clause (d) of subsection (1) does not include the office of a member of the Executive Council or any office that is held by a member of the Executive Council as such a member. R.S. (1992 Supp.), c. 1, s. 17.

**Conflict of interest**

**18** Except as otherwise provided in this Act, no person holding or enjoying, undertaking or executing, directly or indirectly, alone or with another, personally or by the interposition of a trustee or third person, any contract or agreement with the Government of Nova Scotia or with any minister or department thereof for which any public money of Nova Scotia is to be paid for any service, work, matter or thing, shall be eligible as a member of the House or shall sit or vote therein. R.S. (1992 Supp.), c. 1, s. 18.

**Vacation of seat required**

19 (1) Except as otherwise provided in this Act, if a member of the House

(a) becomes a member of the Senate;

(b) causes, suffers or permits himself to be nominated as a candidate for the representation of any electoral district in the House of Commons of Canada; or

(c) accepts or holds any office in the service of the Government of Canada, or the Government of Nova Scotia to which any salary or wage of any kind is attached,

that member's seat in the House shall thereupon become vacant.

(2) Clause (c) of subsection (1) does not include the office of a member of the Executive Council or any office that is held by a member of the Executive Council as such a member. R.S. (1992 Supp.), c. 1, s. 19.

**Exceptions**

20 (1) Unless otherwise disqualified, nothing in Section 17, 18 or 19 shall render any person ineligible or disqualify that person from sitting or voting in the House by reason of that person being

(a) a member of Her Majesty's Army, Navy or Air Force while on active service in wartime or an officer in the militia or a militiaman;

(b) in receipt of a pension or disability allowance for a disability incurred in active service in wartime;

(c) a justice of the peace, notary public, commissioner for administering oaths or coroner;

(d) interested as an executor, administrator or trustee only having otherwise no beneficial interest in any contract or agreement, as aforesaid, or being a person on whom the completion of any contract or agreement, express or implied devolves by descent or limitation or by marriage or as devisee or legatee, until twelve months have elapsed after the same has so devolved upon that person;

(e) a shareholder of an incorporated company having any such contract or agreement, unless such contract or agreement is for the building of a public work for the Province and such work has not been let by tender to the lowest bidder;

(f) a contractor for the loan of money or for securities for money to the Government of Nova Scotia, under the authority of the

Legislature after public competition, or respecting the purchase or payment of the bonds, public stock or debentures of Nova Scotia on terms common to all persons;

(g) the proprietor of or otherwise interested in any newspaper in which official advertisements are inserted or that is subscribed for by the Government of Nova Scotia or any minister, department or institution thereof;

(h) a surety or contractor or otherwise liable for the payment of money for or on account of any person in any Government institution;

(i) a surety for a public officer or other person required by law to furnish security to the Crown;

(j) a member of any medical board or commission of any hospital;

(k) in receipt of, or agreeing to receive, compensation in respect of any property taken or purchased by the Crown or any department or commission of the Government of Nova Scotia where the amount of such compensation has been fixed by an award made pursuant to the Expropriation Act or other Act of the Province, or where the judge of the county court for the county in which the property is situated has certified in writing that the amount of compensation is fair and reasonable;

(l) a party to any contract or agreement of a casual nature for the supplying of any service, work, matter or thing where such contract or agreement is not made in the course of continued and successive transactions of like character;

(m) in the temporary or part-time employment or service of the Dominion of Canada or of the Province of Nova Scotia where such employment requires special qualifications or professional skill;

(n) a member of any commission, committee or other body appointed under the authority of any Act of the Legislature and declared by such Act to be entitled to remuneration or allowance while a member of the Assembly;

(o) a person holding a permanent, interim or temporary certificate or a permit as a teacher pursuant to the Education Act, including a principal, vice-principal or department head, and employed in the public service of the Province in a vocational school or community college.

(2) Sections 35, 36 and 38 to 40 of the Civil Service Act do not apply to a person referred to in clause (o) of subsection (1).

(3) *repealed 1994-95, c. 20, s. 1.*

R.S. (1992 Supp.), c. 1, s. 20; 1994-95, c. 20, s. 1.

**Disqualification for election**

21 No person who is disqualified by the judgment of a court of competent jurisdiction from being elected to or sitting in the House of Commons of Canada, by reason of any violation of any Act of the Parliament of Canada relating to elections or to the trial of controverted elections of members of the House of Commons of Canada, shall be eligible for election as a member of the House so long as such disqualification continues. R.S. (1992 Supp.), c. 1, s. 21.

**Disqualification on account of conviction**

22 (1) A person who stands convicted of an indictable offence that is punishable by imprisonment for a maximum of more than five years is not eligible to be

(a) nominated as a candidate for election as a member of the House; or

(b) elected as a member of the House,

for a period of five years from the date of conviction and, if the sentence imposed for the offence or substituted by a competent authority has not been fully served at the end of that period, for the further time remaining to be served in that sentence.

(2) Where a conviction is set aside by a competent authority, any disability imposed by this Section is removed. R.S. (1992 Supp.), c. 1, s. 22.

**Conviction of member**

23 Where a person who is a member of the House is convicted of an indictable offence that is punishable by imprisonment for a maximum of more that five years, that member forthwith ceases to be a member, and the seat of that member is and is deemed to be vacant until an election is held in that electoral district according to law. R.S. (1992 Supp.), c. 1, s. 23.

**Promotion of bill or other matter**

24 (1) No member of the House, and no barrister or solicitor who in the practice of the profession of law is a partner of any member of the House, shall accept or receive, either directly or indirectly, any fee, compensation or reward for or in respect of the promoting of any bill, resolution, matter or thing submitted or intended to be submitted to the consideration of the House, or any committee.

(2) Any person violating this Section shall be liable to a penalty of three hundred dollars, in addition to the amount or value of the fee, compensation or reward accepted or received by that person.

(3) Such penalty and such amount or value may be recovered in the Trial Division of the Supreme Court by any person who sues for the same.

(4) One half of the amount recovered shall belong to the Crown and one half to the person who sues, unless that person was a party to or implicated in the violation of this Act in respect of which the action was brought, or was a witness at the trial of the action in which cases the whole shall belong to the Crown. R.S. (1992 Supp.), c. 1, s. 24.

**Ineligible person not to sit or vote**

25 (1) No person declared by this Act or by any other law ineligible as a member of the House shall sit or vote in the House while under such disability.

(2) If any such person sits or votes in the House, that person shall forfeit the sum of one thousand dollars for every day that that person sits or votes, and such sum may be recovered by an action against that person in the Trial Division of the Supreme Court at the suit of any person. R.S. (1992 Supp.), c. 1, s. 25.

## PART IV

## POWERS AND PRIVILEGES

## A - THE HOUSE OF ASSEMBLY

**Privileges, immunities and powers**

26 (1) In all matters and cases not specially provided for by an enactment of this Province, the House and the committees and members thereof respectively shall hold, enjoy and exercise such and the like privileges, immunities and powers as are from time to time held, enjoyed and exercised by the House of Commons of Canada, and by the committees and members thereof respectively.

(2) Such privileges, immunities and powers shall be part of the general and public law of the Province, and it shall not be necessary to plead the same, but the same shall in all courts of justice in this Province, and by and before all justices, be taken notice of judicially. R.S. (1992 Supp.), c. 1, s. 26.

**Liability of member**

**27** No member of the House shall be liable to any civil action or to prosecution, arrest, imprisonment or damages by reason of any matter or thing brought by the member by petition, bill, resolution, motion or otherwise, or said by the member, before the House. R.S. (1992 Supp.), c. 1, s. 27.

**No arrest of member during session**

**28** Except for any violation of this Act, no member of the House shall be liable to arrest, detention or molestation for any debt or cause whatever of a civil nature, during any session of the Legislature, or during the fifteen days preceding or the fifteen days following such session. R.S. (1992 Supp.), c. 1, s. 28.

**Exemption from jury duty**

**29** During the periods mentioned in Section 28, all officers and servants of the House, or any committee, shall be exempt from serving or attending as jurors before any court of justice. R.S. (1992 Supp.), c. 1, s. 29.

**Power to compel attendance and production**

**30 (1)** The House may at all times command and compel the attendance before the House, or before any committee, of such persons and the production of such papers and things as the House or committee deems necessary for any of its proceedings or deliberations.

**(2)** Whenever the House requires the attendance of any person before the House or before any committee, the Speaker may issue a warrant, directed to the person named in the order of the House, requiring the attendance of such person before the House or committee, and the production of such papers and things as are ordered. R.S. (1992 Supp.), c. 1, s. 30.

**No liability for act done on direction of House**

**31 (1)** No person shall be liable to damages or otherwise for any act done under the authority and within the legal power of the House, or under or by virtue of any warrant issued under such authority.

**(2)** All persons to whom such warrants are directed may command the aid and assistance of all sheriffs, bailiffs, constables and others, and every refusal or failure to give such aid or assistance when required shall be a violation of this Act.

**(3)** No action shall be brought against the Speaker or any officer of the House, or any person assisting the Speaker or such officer, for any act or

thing done by authority of the House. R.S. (1992 Supp.), c. 1, s. 31.

**Rules**

32 (1) The House may establish rules for its government and the attendance and conduct of its members, and alter, amend and repeal the same, and may punish members for disorderly conduct or breach of the rules of the House.

(2) The rules and orders of the House existing on the fourth day of April, 1876, continue in force until altered, amended or repealed.

(3) All rules of the House not inconsistent with this Act have the force and effect of law until altered, amended or repealed. R.S. (1992 Supp.), c. 1, s. 32.

**Court of record and powers and jurisdiction**

33 (1) The House is a court of record, and has all the rights and privileges of a court of record for the purpose of summarily inquiring into and punishing the acts, matters and things herein declared to be violations of this Act.

(2) For the purposes of this Act, the House is hereby declared to possess all such powers and jurisdiction as is necessary for inquiring into, judging and pronouncing upon the commission or doing of any such acts, matters or things, and awarding and carrying into execution the punishment therefor provided by this Act.

(3) Every warrant of commitment under this Section shall succinctly and clearly state and set forth on its face the nature of the offence in respect of which it is issued.

(4) The House has power to make such rules as are deemed necessary or proper for its procedure as such court as aforesaid. R.S. (1992 Supp.), c. 1, s. 33.

## B - COMMITTEES OF THE HOUSE

**Oral examination of witness by committee**

34 Any committee may require that facts, matters and things relating to the subject of inquiry before such committee be verified, or otherwise ascertained by the oral examination of witnesses, and may examine such witnesses, upon oath, and for that purpose the chair or any member of such committee may administer an oath in the form following or to the like effect, to any such witness:

The evidence you shall give to the committee, touching *(stating here the matter then before the committee)*, shall be the truth, the whole truth, and nothing but the truth. So help you God.

R.S. (1992 Supp.), c. 1, s. 34.

**Taking of affidavit**

35 Where witnesses are not required to be orally examined before such committee, any oath, affirmation, declaration or affidavit in writing, that is required to be made or taken by or according to any rule or order of the House, or by direction of any such committee, and in respect of any matter or thing pending or proceeding before such committee, may be made and taken before any clerk of the House, any commissioner for taking affidavits in the Supreme Court or any notary public. R.S. (1992 Supp.), c. 1, s. 35.

**Continuation of committee after House prorogues**

36 (1) The House may declare that a committee is not dissolved by prorogation of the House and may authorize it to continue its inquiries after the House is prorogued.

(2) The committee has and may exercise the same powers after the House is prorogued as it had or could have exercised before the House prorogued.

(3) The House at the next session shall appoint a new committee consisting of the same or other members to inquire into the same matter as the committee that was authorized to continue its inquiries pursuant to subsection (1) and the last mentioned committee is thereupon dissolved and shall deliver to the new committee all material considered, evidence taken by it and its findings thereon, if any.

(4) The new committee may consider all material, evidence and findings delivered to it pursuant to subsection (3) and may continue to inquire into the matter. R.S. (1992 Supp.), c. 1, s. 36.

## PART V

## OFFENCES AND PENALTIES

**Offences**

37 The following acts, matters and things are prohibited and shall be deemed violations of this Act:

(a) insults to or assaults or libels upon members of the House during the session of the Legislature;

(b) obstructing, threatening or attempting to force or intimidate members of the House;

(c) the refusal or failure of any member or officer of the House, or other person, to obey any rule, order or resolution of the House;

(d) the offering to or acceptance by any member of the House of a bribe to influence the member in the member's proceedings as such member, or the offering to or acceptance by any such member of any fee, compensation or reward for or in respect of the promotion of any bill, resolution, matter or thing submitted to or intended to be submitted to the House or any committee;

(e) assaults upon or interference with officers of the House while in the execution of their duty;

(f) tampering with any witness in regard to evidence to be given by the witness before the House or any committee;

(g) giving false witness or prevaricating, or otherwise misbehaving in giving or refusing to give evidence or to produce papers before the House or any committee;

(h) disobedience to a warrant issued under the authority of this Act requiring the attendance of witnesses before the House or any committee;

(i) presenting to the House or to any committee any forged or falsified document, with intent to deceive the House or committee;

(j) forging, falsifying or unlawfully altering any of the records of the House or of any committee, or any document or petition presented or filed, or intended to be presented or filed, before the House or committee, or the setting or subscribing by any person of the name of any other person to any such document or petition with intent to deceive;

(k) the bringing of any civil action or prosecution against, or the causing or effecting of any arrest or imprisonment of any member of the House in any civil proceeding for or by reason of any matter or thing brought by the member by petition, bill, resolution, motion or otherwise, or said by the member before the House;

(l) the causing or effecting the arrest, detention or molestation of a member of the House for any debt or cause whatever of a civil nature, during a session of the Legislature, or during the fifteen days preceding or the fifteen days following such session;

(m) the bringing of any civil action against the Sergeant-at-Arms, the Chief Messenger, official or servant of the House for removing on the direction of the Speaker of the House, chair of a committee of the House, or any member of the House, any person from the House lobbies, corridors, or halls of the building who is creating a disturbance, using violent or insulting language or otherwise disturbing the peace within the said House, committee rooms, corridors or lobbies thereof. R.S. (1992 Supp.), c. 1, s. 37.

**Penalty and Determination of House to be final**

38 (1) Every person who is guilty of a violation of this Act shall be liable, in addition to any other penalty or punishment to which that person is by law liable, to imprisonment for such time during the session of the Legislature then being held as is determined by the House.

(2) The determination of the House, upon any proceeding pursuant to this Act, is final and conclusive. R.S. (1992 Supp.), c. 1, s. 38.

## PART VI

## INDEMNITY OF MEMBERS

**Annual indemnity, allowance and expenses**

39 (1) Each member of the House shall be paid out of the Consolidated Fund of the Province an annual indemnity and allowance for expenses in the amounts determined pursuant to Section 45.

(2) Notwithstanding subsection (1), no member of the House is entitled to receive a total indemnity and allowance for expenses exceeding the amount referred to in subsection (1) in any calendar year regardless of the number of sittings or sessions of the House or the number of Houses constituted in that calendar year.

(3) Notwithstanding subsection (1), if during a calendar year a person becomes a member or ceases to be a member, then the maximum indemnity and allowance for expenses to which that member is entitled in the calendar year is the total amount of the indemnity and allowance for expenses referred to in subsection (1) divided by twelve and multiplied by the number of months in the calendar year that the member is a member.

(4) For the purpose of this Section,

(a) a member is and is deemed to be a member from the ordinary polling day on which the member is elected;

(b) a member is and is deemed to continue to be a member until

(i) the member dies,

(ii) the member resigns, or

(iii) when the House of which the member is a member is dissolved, the day preceding the polling day fixed in the writ issued immediately following the dissolution,

whichever occurs first; and

(c) a person who is a member for any part of a month is and is deemed to be a member for the whole of that month.

(5) Each outside member, except a member of the Executive Council holding the recognized position of Premier or a member of the Executive Council having charge of a department or departments or a member occupying the recognized position of Leader of the Opposition or a member occupying the recognized position of leader of a recognized party, shall be paid out of the Consolidated Fund of the Province an amount to reimburse the member for reasonable travelling expenses incurred for fifty-two trips each year between the City of Halifax and the member's constituency and for reasonable expenses incurred for accommodation and other reasonable expenses incurred as a result of being in the City of Halifax as a member, as determined by the Legislature Internal Economy Board. R.S. (1992 Supp.), c. 1, s. 39.

**Transition allowance**

40 (1) A person who

(a) is a member of the House immediately before the House is dissolved or is ended by the passage of time and does not become a member of the next following House;

(b) is a member of the House and resigns as a member of the House; or

(ba) is a member of the House and dies,

shall be paid a transition allowance equal to the product of

(c) the person's number of years of service as a member of the House;

(d) 0.067; and

(e) the annual indemnity and allowance for a member at the rate in force immediately before the person ceased to be a member,

but in any case not less than twenty-five per cent nor greater than one hundred per cent of the annual indemnity and allowance referred to in clause (e).

(1A) Where a person who is a member of the House of Assembly dies, the transitional allowance shall be paid to the person's estate.

(2) The transition allowance referred to in subsection (1) shall be paid in twelve equal instalments commencing thirty days after the person ceases to be a member.

(3) Notwithstanding the provisions of the *Members' Retiring Allowances Act*, no Retiring Allowance shall be paid pursuant to that Act to or on behalf of a member until the Transition Allowance paid or to be paid in accordance with subsection (2) has been exhausted or unless the Transition Allowance or the balance remaining thereof is waived.

(4) Notwithstanding subsection (2), the transition allowance may be paid to a member in a lump sum payment within thirty days after ceasing to be a member, if the member so chooses.

(5) Subsection (3) does not apply to a member who ceases to be a member and who prior to ceasing to be a member, is in receipt of a retiring allowance.

(6) Where a member had been previously a member of the House and had received a severance allowance or a transition allowance upon ceasing to be a member, and subsequently is re-elected as a member of a House then the transition allowance shall be calculated by using as a calculator the total number of years the member served in the House in the formula of the transition allowance that is in force at the time that member last ceases to be a member and deducting from the dollar amount so determined the dollar amount that the member previously received as a severance allowance or a transition allowance. Recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 1999; recommendation of Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials for 2000; 2001, c. 47, s. 1.

**NOTE** - *The report dated November 30, 1998, made by the Nova Scotia Commission of Inquiry on Remuneration of Elected Provincial Officials has, pursuant to Section 45 of the House of Assembly Act, the same force and effect as if enacted by the Legislature and is in substitution for the provisions of the House of Assembly Act. In a letter dated December 3, 1998, which was supplementary to the report, it was recommended that the recommendation in the report should be read to permit any member to receive the transition allowance in a lump sum payment within thirty days after ceasing to be a member, if the member so chooses.*

**Constituency expenses**

41 (1) Each member of the House is entitled to recover such sum as is determined by regulation by the Legislature Internal Economy Board for expenses actually incurred by the member as a member of the House while serving in the member's electoral district for the provision of office space, equipment, meeting places, secretarial service and travel within the electoral district.

(2) Subsection (1) does not apply after the House is dissolved and before the polling day next immediately following dissolution.

(3) No reimbursement shall be made to a member pursuant to subsection (1) except upon such approval as has been determined by the Legislature Internal Economy Board. R.S. (1992 Supp.), c. 1, s. 41.

**Speaker, Deputy Speaker and opposition leaders**

42 (1) In addition to the amounts payable pursuant to Section 39, there shall be paid out of the Consolidated Fund of the Province an annual salary, in the amount determined pursuant to Section 45, to

(a) the Speaker; and

(b) the Deputy Speaker.

(2) The Speaker and the Deputy Speaker shall be paid from the Consolidated Fund of the Province such sums of money as are necessary to indemnify them for reasonable expenses of travel, accommodation or otherwise incurred while absent from their ordinary place of residence in connection with the business of the House, or as a representative of the House or of the Province, whether the House is in session or not.

(3) In addition to the amounts payable pursuant to Section 39, there shall be paid out of the Consolidated Fund of the Province to the member occupying the recognized position of Leader of the Opposition an annual salary, in the amount determined pursuant to Section 45, payable in monthly instalments, and the salary shall commence as of the month in which the member commences to hold the position and shall be discontinued as of the last day of the month in which the member ceases to hold the position.

(4) In addition to the amounts payable pursuant to Section 39, there shall be paid out of the Consolidated Fund of the Province to the member occupying the recognized position of leader of a recognized party other than the Premier and the Leader of the Opposition, an annual salary, in the amount determined pursuant to Section 45, payable in monthly instalments, and the salary shall commence as of the month in which the

member commences to hold the position and shall be discontinued as of the last day of the month in which the member ceases to hold the position.

(5) Every leader of a party, except the Premier, who is an outside member as defined by this Act shall be paid out of the Consolidated Fund of the Province in addition to the amounts to which the leader is entitled pursuant to this Act an amount to reimburse the leader for travelling expenses for fifty-two trips each year between the City of Halifax and the leader's constituency and for actual expenses for accommodation and other reasonable expenses incurred as a result of being in the City of Halifax while the House is in session and such other expenses as are authorized by regulation of the Legislature Internal Economy Board for an assistant travelling with the leader. R.S. (1992 Supp.), c. 1, s. 42.

**Offices for opposition leaders**

43 (1) The Leader of the Opposition shall be provided with office facilities consisting of a private office for the Leader, a private office for a senior assistant or senior secretary, a private office for a director of research and a research assistant, a reception area for the Leader's secretary and a working area for a secretary for the director of research and the research assistant and necessary equipment for the office and the cost of the office facilities and the necessary equipment shall be paid out of the Consolidated Fund of the Province.

(2) The salaries, as determined pursuant to subsection (5), of

(a) two secretaries;

(b) a director of research;

(c) a research assistant; and

(d) a senior assistant or senior secretary,

employed by the Leader of the Opposition shall be paid out of the Consolidated Fund of the Province.

(3) The leader of a recognized party, other than the Premier and the Leader of the Opposition, shall be provided with the office facilities consisting of a private office for the leader, a senior assistant or senior secretary, and a private office for the leader's research assistant and a reception area for the leader's secretary and necessary equipment for the office and the cost of the office facilities and the necessary equipment shall be paid out of the Consolidated Fund of the Province.

(4) The salaries, as determined pursuant to subsection (5), of

(a) a secretary;

(b) a research assistant; and

(c) a senior assistant or senior secretary,

employed by the leader of a recognized party pursuant to subsection (3) shall be paid out of the Consolidated Fund of the Province.

(5) The Civil Service Commission from time to time shall fix and determine schedules of compensation for the senior assistant or senior secretary, for the director of research, the secretaries and the research assistants in the same manner as it fixes and determines schedules of compensation for civil servants, provided that the initial salary of the research assistants shall not exceed fifteen thousand dollars *per annum*.

(6) The senior assistant or senior secretary, director of research, the secretaries and the research assistants are deemed to be employees of the Province for the purposes of the *Public Service Superannuation Act*, vacation and sick leave pursuant to the *Civil Service Act*, group life insurance and other forms of insurance or benefits to which civil servants are entitled from time to time.

(7) The Leader of the Opposition and the leader of a recognized party, other than the Premier, shall be paid from the Consolidated Fund of the Province such sum as is determined by the Legislature Internal Economy Board to indemnify them for reasonable expenses incurred for travelling or otherwise in the discharge of their official duties. R.S. (1992 Supp.), c. 1, s. 43.

**Regulations**

**44** (1) The Legislature Internal Economy Board may make regulations

(a) respecting postage and stationery required by members when the House is in session, both for general correspondence and for legislative and constituency matters but not including householder or constituency wide mailings or other general dissemination of circulars;

(b) respecting appropriate supply of copies of Hansard and other House documents and records for distribution by members;

(c) to provide for offices for the use of private members;

(d) providing for secretarial assistance to private members;

(e) respecting the amount of the living allowance for a member, or, in lieu of that living allowance, reimbursement for actual expenses incurred in respect of accommodation, travel and other reasonable expenses pertaining to attendance by a member at the House or at a committee of the House while the House is in session;

(f) respecting remuneration or allowances paid to a member for services as a member or as chair of a committee of the House;

(g) respecting reimbursement of reasonable expenses of a member of the House incurred in respect of travel for fifty-two trips each year between the City of Halifax and the member's constituency and reasonable expenses incurred for accommodation and other reasonable expenses incurred as a result of being in the City of Halifax as a member;

(h) respecting reimbursement of reasonable expenses of a member of the House incurred on account of travel in furtherance of legislative or constituency business;

(i) respecting reimbursement for reasonable expenses incurred by a member of the House while serving in the member's electoral district in respect of office space, equipment, meeting places, secretarial service and travel within the constituency;

(j) respecting reimbursement for reasonable expenses for an assistant travelling with the leader of a party;

(k) respecting the reimbursement for long distance telephone charges incurred by members for calls within their constituencies or between their constituency and Halifax;

(l) respecting remuneration or payment in lieu of any of the matters referred to in clauses (a) to (k) above or in addition thereto;

(m) for the purposes of determining the basis of reimbursement, the form of the reimbursement account and the manner of its certification and approval of it for payment in respect of any payment that is authorized by this Act;

(n) defining any expression used in this Act and not herein defined;

(o) generally for any matter or thing that is necessary to be done to more effectively carry out the intent and purpose of this Act.

(2) The House may by resolution adopt regulations fixing penalties for non-attendance of members and any monetary penalty so fixed and assessed is a charge against any money that the member is entitled to under this Act.

(3) Notwithstanding Sections 48, 50 and 53, the Legislature Internal Economy Board may determine the salary of the Chief Clerk, the Assistant Clerk and the Sergeant-at-Arms after review by that Board. R.S. (1992 Supp.), c. 1, s. 44.

**Inquiry into salaries and allowances**

**45 (1)** The Speaker, after appropriate consultation, shall on or before the first day of October in each year appoint persons to make an inquiry and a report respecting the indemnities, allowances and salaries to be paid pursuant to this Act, the *Executive Council Act* and the *Members' Retiring Allowances Act*.

**(2)** The persons appointed pursuant to subsection (1) have all the powers and privileges and immunities of a commissioner pursuant to the *Public Inquiries Act* and shall complete their inquiry and deliver their report containing recommendations to the Speaker on or before the first day of December in the year in which they are appointed.

**(3)** The Speaker, upon receipt of the report containing the recommendations of the persons appointed pursuant to subsection (1), shall cause the recommendations to be implemented and they have the same force and effect as if enacted by the Legislature and are in substitution for provisions of this Act, the *Executive Council Act* and the *Members' Retiring Allowances Act*, as the case may be.

**(4)** The recommendations apply, from the first day of January immediately following the year in which the persons are appointed to make the report, until subsequently changed.

**(5)** Notwithstanding subsections (1) to (4),

(a) the Speaker shall not, in the year 2001, appoint persons pursuant to subsection (1); and

(b) for the year 2002, the annual indemnity and allowance for expenses to be paid pursuant to this Act and the salaries to be paid pursuant to this Act and the Executive Council Act shall be those amounts paid pursuant to this Act and the Executive Council Act for the year 2001 plus the average percentage increase in salary paid for the year 2001 to members of the Civil Service in the Management Compensation Pay plan.

**(6)** Notwithstanding subsections (1) to (4),

(a) the Speaker shall not, in the year 2002, appoint persons pursuant to subsection (1); and

(b) for the year 2003, the annual indemnity and allowance for expenses to be paid pursuant to this Act and the salaries to be paid pursuant to this Act and the *Executive Council Act* shall be those amounts paid pursuant to this Act and the *Executive Council Act* for the year 2002 plus the average percentage increase in salary paid for the year 2002 to members of the Civil Service in the Management Compensation Pay plan.

R.S. (1992 Supp.), c. 1, s. 45; 2001, c. 47, s. 2; 2002, c. 34, s. 4.

## PART VII

## OFFICERS

### A - CLERK OF THE ASSEMBLY

**Chief Clerk**

**46** The Governor in Council may appoint a suitable person to be Chief Clerk of the House, who shall perform all the duties performed by the Chief Clerk of the House prior to the seventeenth day of April, 1937, in addition to the further duties prescribed after that date. R.S. (1992 Supp.), c. 1, s. 46.

**Duties of Chief Clerk**

**47 (1)** The Chief Clerk has the care and custody of all bills, journals, records, parchments and documents of every kind relating to or connected with the House.

**(2)** The Chief Clerk shall on the first day of the opening of a new Assembly for the despatch of business attend the House until a Speaker has been elected, and shall, previous to the meeting of the House, attend and swear in the members elect. R.S. (1992 Supp.), c. 1, s. 47.

**Salary and term of office of Chief Clerk**

**48** The Chief Clerk shall be paid a salary of thirty thousand dollars a year, and holds office during good behaviour. R.S. (1992 Supp.), c. 1, s. 48.

### B - ASSISTANT CLERK OF THE HOUSE OF ASSEMBLY

**Assistant Clerk**

**49** The Governor in Council may appoint a suitable person to be Assistant Clerk of the House, who shall perform all the duties performed by the Assistant Clerk of the House prior to the seventeenth day of April, 1937, and all such other duties as are from time to time prescribed by the Governor in Council. R.S. (1992 Supp.), c. 1, s. 49.

**Salary and term of office**

**50** The Assistant Clerk shall be paid a salary of twenty-five thousand dollars a year and holds office during good behaviour. R.S. (1992 Supp.), c. 1, s. 50.

**Duties**

**51** The Assistant Clerk shall, in the absence of the Chief Clerk, perform all the duties and exercise all the authority of the Chief Clerk. R.S. (1992 Supp.), c. 1, s. 51.

## C - LEGISLATIVE COUNSEL

**Legislative Counsel**

**52** (1) The Governor in Council may appoint a person to be Legislative Counsel who shall perform all the duties performed by the Law Clerk prior to the fifth day of April, 1941, and in addition the Legislative Counsel shall

(a) prepare such legislation as may be from time to time entrusted to the Legislative Counsel;

(b) prepare such consolidation and revision of, and other matters relating to, the statutes or any statute as is from time to time directed by the Attorney General or the Governor in Council;

(c) perform such other duties as are from time to time prescribed by the Attorney General or the Governor in Council.

(2) The Legislative Counsel shall be paid such salary as the Governor in Council from time to time determines and holds office during good behaviour. R.S. (1992 Supp.), c. 1, s. 52.

## D - SERGEANT-AT-ARMS

**Salary of Sergeant-at-Arms**

**53** The Sergeant-at-Arms of the House shall be paid a salary of sixteen thousand dollars a year. R.S. (1992 Supp.), c. 1, s. 53.

**Expenses of officers and staff**

**54** There shall be paid out of the Consolidated Fund of the Province to the officers and staff of the House such sums of money as are authorized from time to time by the Speaker or other member of the Legislature Internal Economy Board to indemnify them for reasonable expenses of travel, accommodation or otherwise incurred while absent from their ordinary place of residence in connection with the business of the House, or as a representative of the House or of the Province, whether the House is in session or not. R.S. (1992 Supp.), c. 1, s. 54.

## PART VIII

## GENERAL

**Copy of journal prima facie evidence**

**55** Upon any inquiry touching the privileges, immunities or powers of the House, or of any committee or member thereof, any copy of the journals of the House printed or purporting to be printed by the order of the House, shall be admitted as *prima facie* evidence of such journals by all courts, justices and others, without further proof that such copy was so printed. R.S. (1992 Supp.), c. 1, s. 55.

**No action on correct publication of proceedings**

**56** In any civil proceeding against any person for or on account or in respect of the publication of any copy of any report, paper, vote or proceedings of the House, the defendant at any stage of the proceedings may lay before the court or judge such report, paper, vote or proceedings, and such copy, with an affidavit verifying such report, paper, vote or proceedings, and the correctness of such copy, and the court or judge shall immediately stay such civil proceeding, and the same, and every originating notice or process issued therein, shall be finally put an end to, determined and superseded. R.S. (1992 Supp.), c. 1, s. 56.

**Bona fide publication is defence**

**57** It is lawful in any civil proceeding against any person for printing any extract from or abstract of any such report, paper, vote or proceedings, to give in evidence such report, paper, vote or proceedings, and to show that such extract or abstract was published *bona fide*, and without malice, and if in the opinion of the court, or if in the opinion of the jury, if there is a jury, such publication was *bona fide* and without malice, judgment shall be rendered or a verdict shall be entered for the defendant. R.S. (1992 Supp.), c. 1, s. 57.

**Copy of journal prima facie evidence**

**58** A copy of the journals of the House, printed or purporting to be printed by order of the House, shall be admitted as prima facie evidence of such journals by all courts and justices without further proof that such copies were so printed. R.S. (1992 Supp.), c. 1, s. 58.

## PART IX

## TRANSITIONAL

**Effective date of Act**

59 This Act has effect on, from and after, but not before, the dissolution or the determination by the effluxion of time of the fifty-fifth General Assembly and has effect from that day notwithstanding any provision in the Elections Act to the contrary. R.S. (1992 Supp.), c. 1, s. 59.

Assembly dissolved April 16, 1993

**Establishment of constituency organizations**

60 (1) Notwithstanding Section 59, on, from and after the thirtieth day of June, 1992, all necessary steps may be taken to establish constituency organizations based on the electoral districts contained in this Act including, for greater certainty, the appointment of officials and committees and the transfer of assets from the constituency organizations which existed prior to that date.

(2) When a constituency organization is established in accordance with subsection (1), the Chief Electoral Officer shall, notwithstanding Section 59, recognize and deal with the new constituency organization for the purpose of performing the functions of the Chief Electoral Officer.

(3) All actions taken pursuant to subsection (1) are and are deemed to be effective on, from and after the date they are done. R.S. (1992 Supp.), c. 1, s. 60.